रजिस्ट्रेड नं० एल०-33/एम० एम०/13-14/95.



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

खण्ड : 43 | शिमला, शनिवार, 26 अगस्त, 1995/4 भाद्रपद, 1917 | संख्या : 34

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—	अनुपूरक	—

26 अगस्त, 1995/4 भाद्रपद, 1917 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां असाधारण राजपत्र, हिमाचल प्रदेश में प्रकाशित हुई :—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. LLR-F (9) 8/95-Legislation, dated 29th July, 1995.	Law Department	The Union Duties of Excise (Distribution) Amendment Ordinance, 1995 (No. 9 of 1995).
संख्या पी० सी० एन०-एम० एन० डी०-ए(1) 127/95-II, दिनांक 18 अगस्त, 1995.	कार्यालय उपायुक्त मण्डी	उपायुक्त मण्डी द्वारा प्रधान और उप-प्रधान को छोड़कर जो सदस्यों की संख्या नियत की थी, में और संशोधन करने की अधिसूचना ।
संख्या पी० सी० एच०-एच० ए०(1) 82/87-3, दिनांक 14 अगस्त, 1995.	पंचायती राज विभाग	ग्राम 'जोहाना' को ग्राम सभा बनाहाछिन्नी में अपवर्जित करके नवगठित ग्राम सभा 'सराहां' में सम्मिलित करने बारे अधिसूचना ।

2553-राजपत्र/95-26-8-95—1,234.

मूल्य : 2.50 रुपये ।

हिमाचल प्रदेश सरकार

BOARD OF DEPARTMENTAL EXAMINATIONS

NOTIFICATION

Fairlawn, Shimla-171012, the 20th March, 1991

No. HIPA (Exam.) 5 74-XVIII. The result of the Departmental Examination of the Officers belonging to other Gazetted Officers (Tech.) held in March, 1991 is hereby notified as follow:—

NOMENCLATURE OF PAPERS

Paper—1 Financial Administration

Paper—2 Hindi

Paper—3 Rules & Acts for Tech./Non-Tech. Deptt.

Abbreviations used : —ABS : Absent EXM : Exempted

Name 1	Roll No. 2	Paper 1 1	Paper 2 2	Paper 3 3
P. W. D. DEPARTMENT:				
Jagdish C. Thakur Papers qualified are — — — Papers exempted are — — —	904701	Fail		Fail
H. L. Chhabra Papers qualified are — — — Papers exempted are — — —	904702	ABS	ABS	ABS
Bimal K. Sharma Papers qualified are — — — Papers exempted are — — —	90703	Fail		Fail
Manmohan L. Sharma Papers qualified are — — — Papers exempted are — — —	904704	ABS	ABS	ABS
Subhash Chander Papers qualified are — — 3 Papers exempted are — — —	904705	Fail		Pass
Raghu R. Sharma Papers qualified are — — 3 Papers exempted are — — —	904706	Fail		Pass
Surender S. Thakur Papers qualified are — — — Papers exempted are — — —	904707	ABS		ABS
Mehup R. Negi Papers qualified are — — 3 Papers exempted are — — —	904708	Fail		Pass
Pushp R. Bisth Papers qualified are — — — Papers exempted are — — —	904709	Fail		Fail
Surinder M. Bajaj Papers qualified are — — — Papers exempted are — — —	904710	Fail		Fail
Upender P. Gupta Papers qualified are — — — Papers exempted are — — —	904711	Fail		Fail
Bidhi Chand Papers qualified are — — — Papers exempted are — — —	904712	Fail		Fail
Madan L. Behal Papers qualified are — — — Papers exempted are — — —	904713	Fail	ABS	Fail
Kidar N. Sharma Papers qualified are — — 3 Papers exempted are — — —	904714	ABS		ABS
Kamlesh Negi Papers qualified are — — 3 Papers exempted are — — —	904715	Fail		Pass
Harish C. Bhardwaj Papers qualified are — — 3 Papers exempted are — — —	904716	Fail		Pass

1	2	1	2	3
Naresh K. Gupta Papers qualified are——— 3 Papers exempted are — — —	904717	Fail		Pass
R. K. Aggarwal Papers qualified are — — 3 Papers exempted are — — —	904718	Fail		Pass
Amba D. Sharma Papers qualified are — — 3 Papers exempted are — — —	904719	Fail		Pass
Birbal R. Kaushal Papers qualified are — — — Papers exempted are — — —	904720	Fail		Fail
Roshan L. Kapoor Papers qualified are — — — Papers exempted are — — —	904721	Fail		Fail
Amar S. Bhandari Papers qualified are — — 3 Papers exempted are — — —	904722	Fail		Pass
BidhiChand Papers qualified are — — — Papers exempted are — — —	904723	Fail	ABS	Fail
Duni C. Yadav Papers qualified are — — 3 Papers exempted are — — —	904724	Fail		Pass
Pradeep K. Yaidya Papers qualified are — — — Papers exempted are — — —	904725	ABS		ABS
Surinder K. Gautam Papers qualified are — — — Papers exempted are — — —	904726	Fail		Fail
Milap Chand Papers qualified are — — — Papers exempted are — — —	904727	Fail		Fail
Diwan C. Mahajan Papers qualified are — — — Papers exempted are — — —	904728	ABS	ABS	ABS
Pooran Chand Papers qualified are — — — Papers exempted are — — —	904729	Fail		Fail
Anil Kumar Papers qualified are — — — Papers exempted are — — —	904730	Fail		Fail
Preet M. Singh Papers qualified are — — — Papers exempted are — — —	904731	Fail		Fail
Madan L. Rattan Papers qualified are 1 — 3 Papers exempted are — — —	904732	Pass		Pass
Prakash Chand Papers qualified are — — — Papers exempted are — — —	904733	Fail		Fail
Sarjeet S. Katoch Papers qualified are — — — Papers exempted are — — —	904734	ABS		ABS
Ramesh C. Changra Papers qualified are — — — Papers exempted are — — —	904735	ABS		ABS
Ravinder K. Sharma — — — Papers qualified are — — — Papers exempted are — — —	904736	Fail		Fail
Satish K. Sharma Papers qualified are — — 3 Papers exempted are — — —	904737	Fail		Pass
Harinder Bhardwaj Papers qualified are — — 3 Papers exempted are — — —	904738	Fail		Pass
Pritam S. Dhanotia Papers qualified are — — — Papers exempted are — — —	904739	Fail		Fail
Dhian S. Bhatia Papers qualified are — — — Papers exempted are — — —	904740	Fail		Fail
Prithi Chand Papers qualified are — — — Papers exempted are — — —	904741	Fail		Fail

1	2	1	2	3
Shyam L. Sharma Papers qualified are — — — Papers exempted are — — —	904742	Fail		Fail
Bhisham R. Sharma Papers qualified are — — — Papers exempted are — — —	904743	Fail		Fail
Ganga R. Azad Papers qualified are — — — Papers exempted are — — —	904744	Fail		Fail
Bhagat R. Sharma Papers qualified are — — — Papers exempted are — — —	904745	Fail		Fail
S. D. Sharma Papers qualified are — — 3 Papers exempted are — — —	904746	Fail		Pass
Balak R. Sharma Papers qualified are — — — Papers exempted are — — —	904748	Fail		Fail
D. R. Bhatia Papers qualified are — — — Papers exempted are — — —	904749	Fail		Fail
Kidar N. Sharma Papers qualified are — — 3 Papers exempted are — — —	904750	Fail		Pass
Raghu N. Verma Papers qualified are 1 — — Papers exempted are — — —	904751	Pass		Fail
Suresh Kumar Papers qualified are — — — Papers exempted are — — —	904752	ABS		ABS
Rattan S. Dogra Papers qualified are — — — Papers exempted are — — —	904753	Fail	Fail	Fail
Harbans L. Bassi Papers qualified are — — — Papers exempted are — — —	904754	Fail	ABS	Fail
Des R. Sharma Papers qualified are — — — Papers exempted are — — —	904755	ABS	ABS	ABS
Sukh R. Kaushal Papers qualified are — — — Papers exempted are — — —	904756	Fail		Fail
Yadvinder Kapoor Papers qualified are — — — Papers exempted are — — —	904757	Fail		Fail
Dinesh K. Vaidya Papers qualified are — — — Papers exempted are — — —	904758	Fail		Fail
Jyoti S. Negi Papers qualified are — — — Papers exempted are — — —	904759	ABS		ABS
J. S. Guleria Papers qualified are — — 3 Papers exempted are — — —	904760	Fail		Pass
Pradeep K. Vaidya Papers qualified are — — — Papers exempted are — — —	904761	Fail		Fail
P. L. Bhardwaj Papers qualified are — — 3 Papers exempted are — — —	904762	Fail		Pass
Arjun Dev Paper qualified are — — — Papers exempted are — — —	904763	ABS		ABS
S. C. Mehndiratta Papers qualified are — — — Papers exempted are — — —	904764	ABS		ABS
Ashwani K. Datta Papers qualified are — — — Papers exempted are — — —	904767	ABS		ABS
Lolim B. Upadhyay Papers qualified are — — — Papers exempted are — — —	904768			ABS
Hari Singh Papers qualified are — — — Papers exempted are — — —	984769	Fail		Fail

1	2	1	2	3
Bilbir S. Gora Payers qualified are — — — Papers exempted are —	904770	Fail	ABS	Fail
Om Parkash Papers qualified are — — 3 Papers exempted are — — —	904771	Fail		Pass
Surinder K. Sharma Papers qualified are — — 3 Papers exempted are — — —	904772	Fail		Pass
Jagdish K. Awasthi Papers qualified are — — — Papers exempted are — — —	904773	ABS		ABS
Narender K. Soni Papers qualified are — — — Papers exempted are — — —	904774	ABS		ABS
S. P. Goyal Papers qualified are — 2 — Papers exempted are — — —	904775	Fail	Pass	Fail
Sanjay Gupta Papers qualified are 1 — 3 Papers exempted are — — —	904776	Pass		Pass
Bhupinder Sud Papers qualified are — — — Papers exempted are — — —	904777	ABS		ABS
Moninder L. Sehgal Papers qualified are — 2 — Papers exempted are — — —	904778	ABS	Pass	ABS
Krishan R. Saini Papers qualified are — — — Papers exempted are — — —	904779	ABS	ABS	ABS
N. K. Malhotra Papers qualified are — — — Papers exempted are — — —	904780	ABS	ABS	ABS
Virendra K. Gupta Papers qualified are — — 3 Papers exempted are — — —	904781	Fail		Pass
T. R. Taneja Papers qualified are — — — Papers exempted are — — —	904782	ABS		ABS
Karnail S. Saini Papers qualified are — — — Papers exempted are — — —	904783	ABS		ABS
S. K. Kashyap Papers qualified are — — — Papers exempted are — — —	904784	Fail		Fail
M. K. Bhargaw Papers qualified are — — — Papers exempted are — — —	904785	Fail	Fail	Fail
Hari K. Gupta Papers qualified are — — — Papers exempted are — — —	904786	Fail	ABS	Fail
Bhim C. Gupta Papers qualified are — — 3 Papers exempted are — — —	904787	Fail		Pass
Ramesh C. Dhiman Papers qualified are — — — Papers exempted are — — —	904788	ABS		ABS
Lekh R. Azad Papers qualified are — — — Papers exempted are — — —	904789	ABS		ABS
Rugh N. Singla Papers qualified are — — — Papers exempted are — — —	904790	Fail	Fail	Fail
Avtar Singh Papers qualified are — — 3 Papers exempted are — — —	904791	Fail	Fail	Pass
Surinder Nath Papers qualified are — — — Papers exempted are — — —	904792	Fail		Fail
Onkar N. Sharma Papers qualified are — — — Papers exempted are — — —	904793	ABS		ABS
Sawroop C. Mehta Papers qualified are — — — Papers exempted are — — —	904794	ABS		ABS

1	2	1	2	3
Varinder K. Sood Papers qualified are — — 3 Papers exempted are — — —	904795	Fail	Fail	Pass
Mahesh Singhal Papers qualified are 1 — 3 Papers exempted are — — —	904796	Pass		Pass
Rajender P. Jindal Papers qualified are — — — Papers exempted are — — —	904797	Fail	ABS	Fail
Rajender Prashad Papers qualified are 1 — 3 Papers exempted are — — —	904798	Pass		Pass
Man Mohan Papers qualified are — — 3 Papers exempted are — — —	904799	Fail		Pass
Raj K. Kashyap Papers qualified are — — 3 Papers exempted are — — —	904800	Fail		Pass
Parvesh K. Khanna Papers qualified are 1 — 3 Papers exempted are — — —	904801	Pass		Pass
Tulsi R. Chandla Papers qualified are — — — Papers exempted are — — —	904802	Fail	ABS	Fail
Roop L. Bhardwaj Papers qualified are — — — Papers exempted are — — —	904803	ABS	ABS	ABS
Vijay K. Thakur Papers qualified are — — — Papers exempted are — — —	904804	ABS	ABS	ABS
Durga S. Mandyal Papers qualified are — 2 — Papers exempted are — — —	904805	Fail	Pass	Fail
Paras Ram Papers qualified are — — — Papers exempted are — — —	904806	Fail	ABS	Fail

Note.— Every possible care has been taken in compiling information given in respect of papers already qualified (which is based on the information supplied by examinees). It is however possible that some error therein may have occured inadvertantly. All concerned are therefor requested to check the aforesaid information and to bring to the notice of the board, if any mistake is found therein.

Sd/-
Secretary,
H. P. Board of Departmental Examinations
Fairlawn, Shimla-171012.

HEALTH AND FAMILY WELFARE DEPARTMENT (A-SECTION)

NOTIFICATIONS

Shimla-171002, *the* 30*th January*, 1995

No. Health-A (14) 1-95 (loose).—The Governor, Himachal Pradesh is pleased to retire Shri Jai Dev Kiran, M. E. I. O., Health and Family Welfare Department from the government service on 31-1-1995 after completing the age of 58 years.

By order,
Sd/-
Commissioner-cum-*Secretary*.

Shimla-2, *the* 10*th March*, 1995

No. Health B(3) 17/81.—The Governor, Himachal Pradesh is pleased to order premature retirement of Dr. (Mrs.) C. P. Pushapavathi, Senior Medical Officer, Dean Dyal Hospital, Shimla on her own request after attaining the age of 45 years, with effect from 4-5-1995 (A.N.) under provision to sub-rule (2) of rule 3 of the H. P. Civil Services (Pre-mature Retirement) Rules, 1976.

The Governor, Himachal Pradesh is further orders that if any recovery etc. in found against Dr. (Mrs.) Pushpavathi, the same may be deducted from her dues etc.

Shimla-2, *the* 3*rd April*, 1995

No. Health-B(3) 1/94.—The Governor of Himachal Pradesh, on the recommendations of the Departmental Promotions committee, is pleased to promote Dr. Surinder Thakur, GDO, as Assistant Professor (Medicine), Indira Gandhi Medical College, Shimla on regular basis with effect from 9-11-1992, in the pay scale of Rs. 3700—5700 per month.

By order.
J. P. NEGI.
Commissioner-cum-*Secretary*.

Shimla-171002, *the* 25*th April*, 1995

No. Health-B(3)-11-95.—The Governor, Himachal Pradesh is pleased to retire Shri B. D. Sharma, Statistician (Gazetted class-II), Health and Family Welfare Department, Himachal Pradesh on 30-4-1995 after completing the age of 58 years.

By order,
Sd/-
Commissioner-cum-*Secretary*.

Shimla-171002, *the* 29*th April*, 1995

No. Health-B(9)-1/93.—on the recommendations of the Departmental Promotion Committee, the Governor, Himachal Pradesh, is pleased to promote the following

Assistant Directors of Health Services (General Wing) as Joint Directors, Health Services (General Wing) in the pay scale of Rs. 4125—5600 with immediate effect:—

1. Dr. K. L. Kapoor
2. Dr. D. P. Mohil
3. Dr. N. P. Aggarwal

The above officers will be on probation for a period of 2 years. They shall be required to qualify the prescribed Departmental Examination within 2 years.

Shimla-2, the 1st May, 1995

No. Health-B (9) 1/93.—The Governor, Himachal Pradesh is pleased to post Dr. D. P. Mohil, Joint Director, Health Services (General Wing) in the pay scale of Rs. 4125—5600, as Project Director, U.N.F.P.A. against *ex*-cadre post in the pay scale of Rs. 5900—6700, with immediate effect.

Dr. D. P. Mohil may hold other additional responsibilities as may be assigned to him from time to time.

Shimla-2, the 1st May, 1995

No. Health B(9) 1/93.—On the recommendations of the Departmental Promotion Committee, the Governor, Himachol Pradesh is pleased to promote the following Assistant Directors of Health Services (General Wing) as Joint Director Health Services (Genaral Wing) in the pay scale of Rs. 4125—5600 with immediate effect:—

1. Dr. Jagdish Rai
2. Dr. Hardev Singh

Both these officers will be on probation for a period of 2 years. They shall be required to qualify the prescribed Departmental Examination within 2 years.

Consequent upon the promotion as Joint Directors, the Governor, Himachal Pradesh is further pleased to order postings of following Officers, with immediate effect:—

1. Dr. N. P. Aggarwal, as Zonal Joint Director, Health Services, Mandi.
2. Dr. Jagdish Rai as Zonal Joint Director, Health Services, Dharamshala, District Kangra (H.P.).
3. Dr. Hardev Singh as Zonal Joint Director at Shimla.

All the above Officers are directed to join their new assignments immediately.

By order,

J. P. NEGI,
Commissioner-cum-*Secretary*.

Shimla-2, the 2nd May, 1995

No. Health-B (2)1/95.—The Governor, Himachal Pradesh, on the recommendations of the Departmental Promotion Committee, is pleased to promote Dr. Ramesh Kumar Patial, GDO-II, as Assistant Professor (Medicine), Indira Gandhi Medical College, Shimla, in the pay scale of Rs. 3700—5700 per month, with effect from 28-4-1995.

Dr. Ramesh Kumar Patial will be on probation for a period of two years.

Shimla-2, the 3rd May, 1995

No. 1-18/71-HFP-II.—The Governor, Himachal Pradesh is pleased to order that Dr. B. M. Gupta, H.P. H. S. Grade-I, Zonal Hospital, Mandi will retire from Government service on his request in the afternoon of 28-2-1995 on attaining the age of 45 years under Himachal Pradesh Civil Services (Premature Retirement) First Amendment Rules, 1976, Sub-rule 3 (b) subject to the condition that if any recovery is found against him, the same will be deducted from his gratuity etc.

By order,

Sd/-
Commissioner-cum-*Secretary*.

Shimla-2, the 5th June, 1995

No. Health-B(3) 48/82.—The Governor, Himachal Pradesh is pleased to order the pre-mature retirement of Dr. Sohan Lal Sharma, Associate Professor (Radiology), Indira Gandhi Medical College, Shimla, on his own request with effect from 31-5-1995, under Sub-rule (2) of Rule 3 of the Himachal Pradesh Civil Services (Pre-mature Retirement) Rules, 1976.

If any recovery etc. is found against Dr. Sharma, the same will be recovered from his dues.

By order,

PARMINDER MATHUR,
Commissioner-cum-*Secretary*.

Shimla-171002, *the 5th June*, 1995

No. Health-B (9) 2/92.—The Governor of Himachal Pradesh is pleased to retire Shri Amar Singh Superintendent Grade-I (Gazetted-II) from the Government services on 31-5-1995 after completing the age of 58 years.

By order,

Sd/-
Commissioner-cum-*Secretary*.

Shimla-2, the 16th June, 1995

No. Health-B (1) 1/95.—The Governor, Himachal Pradesh is pleased to transfer the Teaching Wing of Dentistry Department of Indira Gandhi Medical College, Shimla and amalgamate it with the newly opened Himachal Pradesh Government Dental College and Hospital, Shimla with immediate effect in public interest.

The above Dentistry Department (Teaching Wing) which is under the Administrative Control of the Principal, Indira Gandhi Medical College, Shimla, shall merge with the above Dental College for all intent and purposes in future, alongwith its assets and liabilities and shall remain under the Administrative control of the Principal, Himachal Pradesh Government Dental College and Hospital, Shimla.

This issues with the prior concurrence of the Finance Department obtained *vide* their Diary No. 471-Fin-C-B (15)-1/95, dated 25th May, 1995.

By order,

J. P. NEGI,
Commissioner-cum-*Secretary*.

Shimla-2, the 22nd June, 1995

No. Health-B(3) 225/80.—Consequent upon the marriage of Dr. (Miss.) Suman Sood with Dr. Vinay Shankar her sur-name stands changed from 'Sood' to 'Shankar'.

Shimla-2, the 27th June, 1995

No. Health B(3) 49-92.—Consequent upon the marriage of Dr. (Miss) Usha Hira with Dr. Parkash Chand Daroch, her sur-name stands changed from Hira to 'Daroch'.

Sd/-
Commissioner-cum-*Secretary*.

Shimla-171002, the 27th June, 1995

No. Health-B (1)-2/95.—The Governor, Himachal Pradesh, is pleased to order the bifircation of the Directorate of Himachal Pradesh, Health & Family Welfare into two separate Directorates to look after the work and function of Medical Services and Dental Health Services, which would look after Health and Family Welfare and Dental Health Services respectively with immediate effect in the public interest. The former would be known as the Directorate of Health and Family Welfare, Himachal Pradesh and the later as Directorate of Dental Health Services, Himachal Pradesh. They will function independently of each other under their respective Heads of Departments.

2. The present staff working with the Deputy Director (Dental) shall function in the Directorate of Dental Services hencefourth, till further orders.

By order,

J. P. NEGI,
Commissioner-cum-Secretary.

Shimla-2, the 3rd July, 1995

No. Health-B(3) 81/94.—Consequent upon the marriage of Dr. (Miss) Kalpana Gupta with Dr. Vinay Mahajan, her surname stands changed from 'Gupta' to 'Mahajan'.

Sd-
Commissioner-cum-Secretary.

Shimla-2, the 4th July, 1995

No. Health-B(3) 145/82.—The Governor, Himachal Pradesh, is pleased to order that Dr. (Mrs.) Arti Chauhan, Medical Officer, will retire from government service on Medical grounds with effect from 20-2-1995 under the provisions of rule-38 of the CCS (Pension) Rules, 1972, having been found completely and permanently incapacited for further service by the Medical Board, Zonel Hospital, Shimla subject to condition that if any recovery is found against her, the same will deducted from her gratuity etc.

By order,
Sd/-
Commissioner-cum-Secretary.

Shimla-2, the 24th July, 1995

No. Health B(3) 180/87.—The Governor, Himachal Pradesh, is pleased to accept the resignation of Dr. (Mrs.) Purnima Malhotra, Medical Officer with effect from 10-8-1989.

Sd/-
Commissioner-cum-Secretary.

सिंचाई एवं जन स्वास्थ्य विभाग

अधिसूचनाएं

यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः* भूमि अर्जित करनी अपेक्षित है, अतएव एतद्द्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त *प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित हैं, या हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत सभी अन्य कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, हमीरपुर, हिमाचल प्रदेश लोक निर्माण विभाग के समक्ष अपनी आपत्ति दायर कर सकता है।

*गांव धिरड़, तहसील भोरंज, जिला हमीरपुर में पेयजल योजना धिरड़ पपलाह में इनफिल्ट्रेशन गैलरी और चौकीदार क्वाटर के निर्माण हेतु।

संख्या सिंचाई 11-35/95-हमीरपुर.

शिमला-2, 5 अगस्त, 1995.

विस्तृत विवरणी

जिला : हमीरपुर — तहसील : भोरंज

गांव	खसरा नं0	क्षेत्र कनाल	मरले
धिरड़	1578/1242/1	7	2

*गांव ढनवान, तहसील भोरंज, जिला हमीरपुर में पेयजल योजना मालियां सधारयाण के स्टोरेज टैंक के निर्माण हेतु।

संख्या सिंचाई 11-36/95-हमीरपुर.

शिमला-2, 5 अगस्त, 1995.

ढनवान	380/1	0	9

शिमला-2, 5 अगस्त, 1995

संख्या सिंचाई 11-53/94-ऊना.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन के लिए नामतः गांव उप महाल बैहली, बाबत पेयजल योजना ऊना जोन नं0 4 (भण्डारण टैंक) के निर्माण के लिए भूमि ली जानी अपेक्षित है, अतएव एतद्द्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों की सूचना के लिए घोषणा की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन समाहर्ता भू-अर्जन, हिमाचल प्रदेश लोक निर्माण विभाग, हमीरपुर को उक्त भूमि के अर्जन के लिए आदेश देने का एतद्द्वारा निदेश दिया जाता है।

3. भूमि का रेखांक, समाहर्ता भू-अर्जन, लोक निर्माण विभाग, हमीरपुर, हिमाचल प्रदेश के कार्यालय में निरीक्षण किया जा सकता है।

विस्तृत विवरणी

जिला : ऊना — तहसील : ऊना

गांव	खसरा नं0	क्षेत्र (वर्गमीटरों में)
उप महाल बैहली	570/30/5/1	177 50

शिमला-2, 7 अगस्त, 1995

संख्या सिंचाई 11-37/95-ऊना.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव नगनोली, लवाना माजरा, तहसील व जिला ऊना में बाबत पेयजल योजना नगनोली के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है अतएव एतद्द्वारा यह अधिसूचित

किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है ।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इसमें सम्बन्धित है या हो सकते हैं की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है ।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी प्राधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं ।

4. कोई भी हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस (30) दिन की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, हमीरपुर, लोक निर्माण विभाग के समक्ष अपनी आपत्ति दायर कर सकता है ।

विवरणी

जिला : ऊना तहसील : ऊना

गांव	खसरा नं0	क्षेत्र हैक्टेयरों में		
नगनोली	766	0	03	24
लबाना माजरा	767	0	00	68
कित्ता ..	2	0	03	92

आदेश द्वारा,

सी0 पी0 सजवा,
आयुक्त एवं सचिव ।

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, 28th July, 1995

No. 19-8/90-Sharm.-VI.—In exercise of the powers vested in him under section-17(1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of the awards in the Rajpatra, announced by the Presiding Officer, Labour Court in respect of the followng cases:—

Sl. No.	Case No.	Parties	Section	Remarks
1	2	3	4	5
1.	Ref.-27/92	Ram Kishan & Others *v/s* M/s Shiva Package Pvt./ Ltd., Jagat Khana, Nalagarh.	10	For publication.
2.	Ref.-9/94	Gen. Secy. Him Fibers Workers Union (INTUC) *v/s* M/s Himachal Fibers Ltd., Barotiwala.	-do-	-do-
3.	Ref.-74/94	Mohinder Singh Rana *v/s* M/s Parwanoo Packers Ltd., Parwanoo.	-do-	-do-
4.	Ref.-161/90.	ACC Employees & Mazdoor Union *v/s* Associated Cement Ltd., Barmana, Distt. Bilaspur.	-do-	-do-
5.	Ref-90/90	President, Himtron Wokrers Union *v/s* M. D. Himachal Pradesh State Small Industrial Export Corp., Shimla and others.	-do-	-do-
6.	Ref.-136/93	Durga Ram *v/s* M/s Vikas Instruments (P) Ltd., Solan.	10	For publication.
7.	Ref.-112/91	Ranbir Singh & others V/s Regional Manager HRTC, Nahan.	-do-	-do-
8.	Ref.-75/94	Balwant Singh *v/s* S.E., IPH Circle, Nahan.	-do-	-do-

By order,
S. S. SIDHU,
Financial Commissioner-cum-Secretary.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Reference No. 27 of 1992

Instituted on 29-4-1992

Decided on 20-6-1995

S/Shri Ram Kishan, Bhagat Ram and Jaspal Singh, ..*Petitioners.*

Versus

1. The Director M/s Shiva Package Private Limited, Jagatkhanna, Nalagarh.
2. M/s Asutosh Packagings Pvt. Ltd., Jagatkhanna, Nalagarh.
3. H. P. State Financial Corporation, New Himrus Building, Shimla .. *Respondents'.*

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioners Shri J. C. Bhardwaj, AR

For respondents No. 1 & 2 *Ex-parte*

For respondent No. 3. Sh. R. P. Sandhu, AR

AWARD :

Through this reference, the State Government has referred the dispute regarding the terminations of S/Shri Ram Kishan, Bhagat Ram and Jaspal Singh, hereinafter referred to as 'petitioners' for determination by this Court.

2. The case of the petitioners is that they were employed as workers during the period from 1986 to 1988, by M/s Shiva Pachages Pvt., Ltd., Jagatkhanna, Nalagarh hereinafter referred to as 'respondent' and subsequently, on 29-1-1991, their services were terminated without any notice and compensation. The petitioners have, thus, stated that their termination are illegal and the same be set aside and they be re-instated with full back wages.

3. On the other hand, the respondent is *ex parte*. However, after the reference was received, the petitioners had brought to the notice of this Court that the factory of the respondent had been taken over by H. P. State Financial Corporation, because the respondent had failed to discharge the liability of the loan, which it had taken from the Himachal Pradesh Financial Corporation. Subsequently, the Himachal Pradesh Financial Corporation had sold the said factory to M/s Asutosh Packaging Pvt., Ltd., Nalagarh. As such, M/s Asutosh Packaging Pvt. Ltd., was allowed to be impleaded as respondent No. 2, while the Himachal Pradesh Financial Corporation was allowed to be impleaded as Respondent No. 3. However, despite service, M/s Asutosh Pvt. Ltd., also failed to contest the case as such, it was proceeded against *ex parte*. The Himachal Pradesh Financial Corporation has filed reply stating that it had taken over the factory, in question, for recovery of the outstanding amount of loan and thereafter,

the factory was sold to Respondent No. 2. Thus, it is stated that the Himachal Pradesh Financial Corporation has nothing to do with the present dispute nor it is liable in respect of the present claim of the petitioners.

4. In support of their case, the petitioners have examined themselves and have stated that they were employed by Respondent No. 1 during the years 1986 to 1988, and thereafter, they had worked continuously till 29-1-1991, on which date, their services terminated without any notice and compensation. I have scrutinized the said evidence of the petitioners and am of the view that the same is sufficient to hold, that the petitioners have been terminated illegally. Evidently, the petitioners had worked for more than 240 days during the calendar year preceding the date of their terminations. Thus, they are entitled to the protection of Section 25-F of the Insdustrial Disputes Act, 1947. Section 25-F of the Industrial Disputes Act, 1947, which is a mandatory provision of law, provides that no workman who has rendered one year continuous service shall be terminated except after the expiry of thirty days notice or in lieu of such notice, he shall be paid wages for one month. Apart from this, it is also provided in the said section of law that such workman shall also be entitled to compensation equivalent to fifteen days average wages for every completed year of service. Section 25-B of the Industrial Disputes Act, 1947 defines the term 'one year continuous service'. It provides that a workman who has worked for 240 days during a calendar year, shall be deemed to have completed one year service. It is clear from the evidence on record that the respondent has not complied with the said mandatory provision of law. Thus, it can straight-away be held that the terminations of the petitioners are illegal and unjustified. Therefore, the petitioners are entitled to re-instatement with back wages. The record of the case would go to show that the terminations, in question, of the petitioners were made prior to the sale of the factory, in question, to Respondent No. 2. Therefore, the petitioners are ordered to be reinstated with full back wages *w.e.f.* the date of their terminations. As regards the liability of respondent No. 2, in case there had been agreement in between respondent No. 1 and Respondent No. 2, regarding the taking over of the workers of Respondent No. 1 by Respondent No. 2, then the petitioners will be entitled to the benefit of such agreement and Respondent No. 2 will be liable to take the petitioners back. However, if Respondent No. 2 had not agreed to take the workmen of Respondent No. 1 at the time of the transfer of the factory, then on the date of transfer, as per provisions of Section 25-FF of the Industrial Disputes Act, 1947, the petitioners will be deemed to have been retrenched and they will be entitled to compensation in accordance with the provisions of Section 25-F of the Industrial Dispute Act, 1947. Accordingly, the reference is decided in favour of the petitioners to the extent mentioned above. A copy of this award be supplied to the parties, free of cost, if applied for. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2, for its due publication in the H. P. Rajpatra in accordance with law. This be consigned to record room after its completion.

Announced in the Open Court today the 20th June, 1995.

Seal.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, H. P., Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, H.P. Shimla

Ref-9/94-

General Secry., Him Fibers Workers Union (INTUC), Barotiwala, Distt. Solan, H.P. .. *Petitioner.*

verus

M/s Himachal Fibers Ltd., Barotiwala, Distt. Solan, H. P. .. *Respondent.*

Shri Brahma Nand, General Secretay of the Petitioners' Union.

Shri P. P. Swami, Senior Personnel Manager for respondent.

AWARD:

As per statements of the parties representatives placed on record, the dispute concerning the present reference stands settled as a result of the settlement dated 11-4-1995 which has been arrived at in between the union of the workers and respondent-management. As such, the present dispute comes to an end and the reference stands disposed of on the basis of the said settlement. The record of this case consigned to record room after its completion.

Announced :

Seal.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, H. P., Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Industrial Tribunal, Himachal Pradesh, Shimla

Ref-74/94-

Mohinder Singh Rana .. *Petitioner.*

Versus

M/s Parwanoo Packers Ltd., Parwanoo .. *Respondent.*

Shri Mohinder Singh Rana, petitioner in person.

Shri Rajesh Kumar, A.R. for respondent.

AWARD :

As per statement of the A. R. of the respondent and the statement of the petitioner placed on record, the parties have arrived at settlement. According to the settlement, the respondent has agreed to take back the petitioner *w.e.f.* 1-7-1995 and has paid him a sum of Rs. 12,000/- in lieu of his back wages. The respondent has also agreed to give all the service benefits to the petitioner in respect of his pay protection and seniority etc. On the other hand, the petitioner has given up his claim in respect of the remaining amount of back wages. As such, the dispute, in question, comes to an end and the reference stands disposed of on the basis of the settlement aforesaid. A copy of this award be sent to the government of Himachal Pradesh, Shimla-2 for its publication in the H. P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 24th June, 1995 in the presence of the parties.

Seal.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, H. P., Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer Industrial Tribunal, Himachal Pradesh, Shimla

Reference No. 161 of 1990

Instituted on 26-12-1990

Decided on 12-6-1995

A. C. C. Employees and Mazdoor Union (AIMC), Barmana .. *Petitioners.*

Versus

Associated Cement Companies Ltd., Barmana, District Bilaspur .. *Respondent.*

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioners : Shri J. C. Bhardwaj, AR

For Respondent : S/Sh. L. P. Bhargava and Umesh Bali, Advocates.

AWARD:

Through this reference the State Government has referred the dispute regarding the demands of the ACC Employees and Mazdoors, hereinafter referred to as 'petitioners', for determination by this Tribunal.

2. The brief facts of the case are that the petitioners are workers of M/s Associated Cement Company, Ltd., Gaggal Cement Works, Barmana, hereinafter referred to as 'respondent' and they have a registered union know as ACC Employees and Mazdoors Union and the same is affiliated to AITUC UNION. Through its demand notice dated 26-11-1988, the said union of the petitioners had raised as many as 45 demands. The respondent-management had registed the said demands of the union as a result of which a dispute had arisen. Subsequently, the said dispute was referred to this Tribunal for determination.

3. Though the petitioners had raised 45 demands, but, during the course of the proceedings of this reference, the union has given up all the demands except the one with respect to grant of hill compensatory Allowance @ 15% per month. In support of this demand, it is stated that the cement factory of the respondent is situated in a hill terrain at Barmana and as such, there is justification for grant of hill compensatory allowance to the workers of said factory. The petitioners have thus stated that the respondent be directed to pay hill compensatory allowance @ 15% per month to its workers.

AWARD

4. On the other hand, the respondent-management has contested the said claim on two grounds. The first ground is that the Union of the petitioners does not have any locus-standi to raise the demand, in question, because it is not a recognised union. It is stated that the workers of the factory of the respondent have a recognised union knows as "ACC Gaggal Cement Karamchari Sangh", which is affiliated to INTUC and the said union represents majority of the workers of the factory and is also recognised by the respondent. Thus, it is stated that the union of the petitioners is not competent to raise the demand, in question. Secondly, it is stated that as a result of the settlement arrived at in between the management and the recognised union aforesaid on 16-2-1990, the management has already granted a special allowance of Rs. 25/- per month to its workers in lieu of the demand of hill compensatory allowance, which was raised by the recognised union of the workers. Apart from this, it is stated that the wages of the workers of the respondent factory are much higher than the wages of the other concerns including the government departments. Thus, it is stated that there is no justification for grant of hill compensatory allowance.

5. On the aforesaid pleadings of the parties, following issues were framed:—

1. Whether the demand of the ACC Employees and Mazdoor Union, for grant of hill compensatory allowance @ 15% is justified or not ? OPP.

2. Whether the ACC Employees and Mazdoor Union does not have any locus-standi to raise any demand against the respondent-management ? OPR.

3. Relief.

6. I have heard Shri J. C. Bhardwaj, representative of the petitioners and Shri L. P. Bhargava, learned advocate for the respondent and have gone through the relevant record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

FINDINGS :

Issue No. 1 No.

Issue No. 2 Yes.

Relief: Reference answered against the petitioners.

REASONS FOR DECISION :

7. *Issue No.* 1.—In support of this demand Shri J. C. Bhardwaj, representative of the petitioners has stated that keeping in view the geographical conditions of Barmana where the cement factory of the respondent is situated, there is justification for grant of hill compensatory allowance to the workers of the said factory. He has also stated that Bhakhra Beas Management Board, which is situated at a distance of about 2 kms. from Barmana, has also granted hill compensatory allowance to its workers. He has further stated that the Himachal Pradesh Government employees who are posted at Barmana are also getting compensatory allowance @ 15% of their basis pay. He has referred to Ex. PW-1/A and Ex. PW-1/B, which are copies of the letters *vide* which the employees of the Bhakhra Beas Management Board and that State Government has been granted hill compensatory allowance. Thus, he has stated that there is justification for grant of hill compensatory allowance to the workers of the cement factory of the respondent. On the other hand, the learned advocate for the respondent has stated that after the demand, in question, was raised by the union of the petitioners, the management has increased the wages of the workers and the said increase in wages ranges from Rs. 828/- to Rs. 900/- per month. He has further stated that the total wage packet of the employees of the cement factory, Barmana is much higher than the wage packets of the employees of Bhakhra Beas Management Board and that of the government employees. He has clarified that a labourer in Bhakhra Beas Management Board used to get Rs. 1413.75 paise per month in 1992, while the respondent had been paying Rs. 2507.26 paise per month to the labourer in 1992. He has also stated that the Himachal Government had been paying Rs. 1581/- per month to the labourer during the said period. He has further stated that as a result of the agreement which had arrived at in between the Gaggal Cement Workers Karamchari Sangh and the Management, a special allowance of Rs. 25/- per month was granted to all the workers of the cement factory, Barmana and this allowance had been granted in lieu of the demand of the Gaggal Cement Workers Karamchari Sangh, which they had raised for grant of hill compensatory allowance and certain other allowances. He has further stated that this allowance has now been raised to Rs. 50/- per month w.e.f. 1-5-1995. Lastly, he has stated that no where in the cement industry in India including CCI, Rajban, hill compensatory allowance is being paid to the workers of the cement factory. Thus, he has stated that the demand of the union of the petitioner for grant of hill compensatory allowance, is not justified.

8. I have considered the arguments aforesaid of the representatives of the parties and have scrutinized the evidence on record. For the reasons to be recorded hereinafter, I am of the view that demand of the petitioners for grant of hill compensatory allowance is not justified. The first reason is that the wages of the employees of the cement factory, Barmana are much higher than the wages of the employees of Bhakhra Beas Management Board and the employees of the Himachal Pradesh Government, who are posted at Barmana. There is no denying the fact that compensatory allowance is being paid by the Bhakhra Beas Management Board and the H.P. Government to their employees who are posted at Barmana, but, it cannot be lost sight of that total wages of the employees of Bhakhra-Beas Management Board and that of the H.P. Government employees are much less than the wages

which are being paid to its employees by the ACC, Barmana. Evidently, compensatory allowance is paid for compensating the higher cost of living at a particular place. But, at the same time, while, considering the question of justification for grant of compensatory allowance, the element of total wage has to be kept in mind. Secondly, it is a fact that there is no element of compensatory allowance in any cement industry in India including CCI, Rajban in Sirmaur district. The Geographical conditions of Rajban and Barmana are almost similar. Thirdly, the respondent has already conceded the demand of its employees for grant of special allowance, which has been granted in lieu of hill compensatory allowance. It is a fact that this allowance of Rs. 25/- has now been increased to Rs. 50/- per month. It is also a fact that all the workers of the union of the petitioners are getting the said benefit. Merely because this allowance is termed as special allowance, it would not mean that it has not compensated the employees of the ACC factory, Barmana against the increased cost of living. Fourthly, the wages of cement industry like the present one are normally fixed on region-*cum*-industry basis. This is so because the service conditions of the employees in the public sector undertakings are not analogous to the service conditions of the government employees. As such, the governmental wage structure is not conducive to industrial relations. This is the reason as to why the wages of the employees of ACC, Barmana are much higher than the wages of the government employees posted there and the wages of the Bhakhra Beas Management Board employees. Lastly, the petitioners have failed to adduce relevant and cogent evidence so as to prove that there is justification for grant of hill compensatory allowance to the employees of the ACC, Barmana. As regards Exs. PW 1/A and Ex. PW-1/B, which are the copies of the letters *vide* which compensatory allowance has been granted to the employees of Bhakhra Beas Management Board and that of H. P. Government, it may be stated that this evidence cannot be taken as relevant and sufficient because on one hand, the wages of the government employees posted at Barmana and that of Bhakhra Beas Management Board posted at Slapper, which is at a distance of 2 kms. from Barmana, are much less than the wages of the employees of the ACC, Barmana, while on the other, this evidence does not relate to any industrial establishment like ACC, Barmana. Therefore, for these reasons, I am of the view that there is no justification for grant of hill compensatory allowance to the employees of the ACC factory, Barmana. Thus, I hold that the petitioners have failed to prove this issue. Accordingly, this issue is decided against the petitioners.

9. *Issue No.* 2.—It is a fact that there are at present, two unions of ACC factory, Barmana, out of which one is ACC Karamchari Sangh, which is a registered and recognised union, while the other is the union of the petitioners, which is only registered union, but, is not a recognised union. Recognition of union is the prerogative of the concerned management and for the purpose of recognition of union, certain codal formalities have to be completed. The evidence on record would go to show that the petitioners had not completed any such codal formalities and as such, it cannot be held that the respondent had ever terned down the request of the petitioners for recognition of their union. However, till the union of the petitioners is recognised, it cannot legally raise any demand against the respondent. Therefore, it can clearly be held that the union of the petitioners has no locus-standi to raise the demand, in question, against the respondent. Thus, the respondent has proved this issue. Accordingly, this issue is decided in favour of the respondent.

RELIEF :

10. Keeping my findings on the aforesaid issue in view, I held that neither the union of the petitioners has any locus-standi to raise the demand for hill compensatory allowance, nor their is any justification for grant of hill compensatory allowance to the employees of the ACC factory, Barmana. As such, the reference is decided against the petitioners and the same stands disposed of. A copy of this award be sent to the Govt. of H. P. for its publication in H. P. Rajpatra. A copy of this award be supplied to the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 12th June, 1995.

B. S. CHOUHAN,
Presiding Officer,
Seal. *Industrial Tribunal, H.P.,*
Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Industrial Tribunal, Himachal Pradesh, Shimla

Reference No. 90 of 1990

Instituted on : 22-10-1990

Decided on : 12-6-1995

President, Himtron Workers Union, Chambaghat, District Solan, H. P. .. *Petitioners.*

Versus

1. Managing Director, Himachal Pradesh State Small Industrial Export Corporation, Shimla.

2. Managing Director, H. P. State Industrial Development Corporation, Shimla.

3. Managing Director, H.P. State General Industries Corporation, Shimla.

4. Managing Director, H. P. State Electronics Development Corporation, Shimla .. *Respondents.*

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioners : Shri J. C. Bhardwaj, AR

For respondents 1 & 2 : Sh. R. L. Kaith, AR

For respondent No. 3 : Sh. Lekh Raj, AR

For respondent No. 4 : Sh. Pradeep Krishan, AR

AWARD :

Through this reference, the State Government has referred the dispute regarding the demands of the Operators of HIMTRON Unit, hereinafter referred to as 'petitioners', for determination by this tribunal.

2. The brief facts of the case are that H. P. State Small Industries and Export Corporation, hereinafter referred to as 'respondent No. 1' came into inception in 1966 and in the year, 1979, a unit known as "HIMTRON UNIT" was created by it, for manufacturing Television Tuners. In order to man and run this unit, a cadre of operators of Television was created for manufacturing the said tuners. Accordingly, on 30-5-1979 S/Shri Tapai Parshad, Bhajan Singh, Anil Kapoor and Smt. Pushpa Sharma, Smt. Santosh Sharma, Smt. Asha Sood and Smt. Sumita Saini, were appointed as Senior Assembly Operators in the pay scale of Rs. 170—214. Subsequently, on 14-3-1981, one Shri Himanshu Sharma was appointed as Senior Technician in the pay scale of Rs. 273—385. The said unit continued functioning under the control of H. P. State Small Industries and Export Corporation, till 31-3-1987 and thereafter, with effect from 1-4-1987, the control of this unit was taken over by H.P. State Industries Corporation, hereinafter referred to as 'respondent No. 2'. As regards the past service of these operators, the same was not counted for and they were paid retrenchment compensation by the H. P. State Small Industries and Export Corporation. Thus, these operators were taken as fresh appointees by the

H. P. State Industrial Development Corporation *w.e.f.* 1-4-1987. Thereafter these operators continued working under the control of said corporation till 31-3-1988 and *w.e.f.* 1-4-1988 as a result of amalgamation, this unit was taken over by the H.P. State General Industries Corporation, hereinafter referred to as 'respondent No. 3'. Subsequently, *w. e. f.* 1-7-1988, the said unit was transferred to H.P. State Electronics Development Corporation, hereinafter referred to as 'respondent No.4' and since then it has been functioning under the control of the said respondent.

3. The case of the petitioners is that *vide* demand notice dated 7-5-1983, they had raised demands regarding revision of pay scales, and grant of bonus. Since the said demands were not conceded to by respondent No. 1, a dispute had arisen as a result of which the present reference was made. Though the petitioners had raised various demands, but, as per statement of Shri J. C. Bhardwaj, AR of the petitioners which he had made during the proceedings of this reference, the petitioners have given up all demands except the two demands, out of which, one is for grant of pay scales and the other is of grant of bonus. In support of the first demands, it is stated that at the time of their initial appointments, the petitioners were given 'PUNJSTAR' scales. It is stated that 'PUNJSTAR' was the subsidiary of the Punjab State Industrial Development Corporation. Subsequently, in 1982, this 'PUNJSTAR' came to an end. It is further stated that during the year 1981-82, there had also been a Television factory at Solan which was under the control of H.P. State Industrial Development Corporation and in that factory the operators were also getting 'PUNJSTAR' pay scales till October, 1981 and thereafter, their scales were revised on the basis of 'PUNWIRE', which was also a subsidiary of Punjab State Industrial Development Corporation. Thus, it is on the basis of the said pay scales which were granted to the operators of the Television factory at Solan *w. e. f.* 1-11-1981 that the petitioners had raised demand in 1983 that they should also be granted same scales which have been granted to their counter-parts in the Television Factory at Solan. It is also stated that in 1988, the said demand with regard to grant of PUNWIRE' scales was conceced to by the State Electronics Development Corporation and it has granted the said scales to the petitioners *w.e.f.* 11-7-1988. However, the remaining respondents have not conceded the said demand. Thus, the petitioners have stated that respondents 1,2 and 3 be directed to pay the arrear of 'PUNWIRE' pay scales to them *w. e. f.* 1-11-1981. As regards the second demand of bonus, the plea of the petitioners union is that Himtron Unit was not a separate unit, but, it was part and parcel of respondent No. 1 in the year 1979, when it was established and as such, the operators of the petitioners union are entitled to bonus right from the date of their initial appointments. Thus, the petitioners have claimed that they are entitled to bonus right from the dates of their first appointments and not after completion of five years infancy period of the Himtron unit.

4. On the other hand, the respondents have contested the claim aforesaid of the petitioners union on the ground that the petitioners are not entitled to PUNWIRE scales. Respondent No.1 has taken the stand that since the nature of work of the petitioners was different from the workers of "PUNJSTAR", the petitioners were not given 'PUNJSTAR' scales even at the time of their appointment. Thus, it is stated that petitioners were never given 'PUNJSTAR' scales and as such, they are not entitled to 'PUNWIRE' scales. It is also stated by Respondent No.1 that in 1984, there had been settlement in between the petitioners union and the management according to which the respondent had given production incentive to the petitioners which was over and above the wages. Thus, it is stated that in view of the said settlement, the petitioners are not entitled to 'PUNWIRE' scales. As regards the payment of bonus, the respondent No. 1 has taken the plea that "Himtron" was a separate unit and as such, during the infancy period of five years, the repondent was not liable to pay any bonus to the petitioners. The respondent No. 2 has stated that since State Industrial Development Corporation had taken the petitioners as fresh appointees, it is not liable to pay 'PUNWIRE' scales to the petitioners. It is also stated that the petitioners were appointed by respondent No.2 after they had opted for the scales which were given to them at that time. Similarly, respondent No. 3 has taken the plea that the petitionres are not entitled to the revision of pay scales.

5. On the aforesaid pleadings of the parties, following issues have been framed :—

1. Whether the petitioners are entitled to revision of pay scales *w.e.f.* 1-11-1981 ? OPP.
2. Whether the petitioners are entitled to bonus *w.e.f.* the dates of their first appointments? OPP.
3. Relief.

6. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

FINDINGS

Issue No: 1	Yes. Only *w.e.f.* 13-1-86 to 31-3-1987.
Issue No: 2	No.
Relief	Reference decided in favour of the petitioner.

REASONS FOR DECISION :

7. *Issue No.*1—The case of the petitioners is that they are entitled to the pay scales of Television Factory, Solan *w.e.f.* 1-11-1981 to 10-7-1988 because they have been granted the said pay scales by respondent No. 4 *w.e.f.* 11-7-1988. The scrutiny of the evidence of the parties on record would make it clear that respondent No. 1 had appointed the petitioners in its own scales and at no point of time, respondent No. 1 had committed to the petitioners that they would be entitled to pay scales of Television Factory, Solan. The petitioners had been engaged for manufacturing T.V. tuners while the counterparts of the petitioners, in Television Factory, Solan, had been manufacturing and assembling the T.V. sets. Further, in 1984, there had been an agreement in between the petitioners and the respondent No. 1 as a result of which the petitioners had agreed to work on production incentive basis, while, manufacturing the T.V. tuners. The evidence on record would also go to show that the Himtron unit was running in losses right from very beginning and that is why the same was subsequently, transferred to Respondent No. 2 on 1-4-1987. Thus, under these circumstances, there could not have been any favourable comparison in between the working conditions of the Television Factory workers and the petitioners. Therefore, keeping in view the entire facts and circumstances of the case and the evidence on record, I am of the view that neither the petitioners have proved that the Respondent No. 1 had ever undertaken to pay them the pay scales of Television Factory nor there is any justification for the grant of the said pay scales on the basis of the formula of region-*cum*-industry basis. However, in 1986, there had been meeting in the Chamber of the then Hon'ble State Minister of Industries and as a result of the decision taken in the said meeting, the respondent No. 1 through its General Manager, who had attended the said meeting, had agreed to grant the same wages to the workers of the Himtron Unit, which were being paid to the workers of Television Factory, Solan. The respondent No. 1 has tried to escape the said liability on the ground that the General Manager was not authorised to make any such commitment. I have considered the said plea and find that the same does not have any force because it does not appeal to reason that the General Manager of respondent No. 1 had attended the said meeting without any authority of the Managing Director of Respondent

No. 1. Further, there had been no written sanction from the side of respondent No. 1 in respect of the said decision and as such, it can thus, be presumed that this decision was taken with the full consent of the Respondent No. 1. Therefore, I am of the view that by way of this decision, Respondent No. 1 is liable to pay the pay scales of Television Factory, Solan to the petitioners *w.e.f.* 13-1-1986. Therefore, I hold that the petitioners are entitled to the pay scales of Television Factory, Solan for the period from 13-1-1986 to 31-3-1987 from respondent No. 4. However, after 31-3-1987, the petitioners are not entitled to the arrears of said scales because they had joined as fresh appointees under Respondent No. 2 and respondent No. 2 had given its own scales to the petitioners and the petitioners had given options for the said scales. Further, the petitioners have failed to prove that these scales which were opted by them, while joining the service of respondent No. 2, were the pay scales of Television Factory, Solan. Therefore, the petitioners are not entitled to any revision of pay scales after 31-3-1987 till 31-3-1988. Similarly, after 1-4-1988 to 30-6-1988, when the petitioners were transferred to the organisation of Respondent No. 3, their position with respect to the revision of pay scale did not change and they are thus, not entitled to the said pay scales *w.e.f.* 1-4-1988 to 30-6-1988. No doubt, the petitioners had joined respondent No. 3 on 1-4-1988, but, Shri J. C. Bhardwaj, AR, for the petitioners had stated during the course of arguments that the petitioners have given up their demand for the revision of pay scales for the period from 1-4-1988 to 30-6-1988. Therefore, I come to the conclusion that the petitioners are entitled to the pay scales of Television Factory, Solan only to the extent mentioned above. Accordingly, this issue is decided in favour of the petitioners to the extent mentioned above.

8. *Issue No.* 2. Keeping in view the facts and circumstances of the case, it would not be correct to say that the Himtron Unit was part and parcel of respondent No. 1. Had it been so, there was no reason for transfer of the said unit to Respondent No. 2 in April, 1987. Not only this, the unit was further transferred in 1988 to respondent No. 3 and thereafter, to respondent No. 4. Thus the only inference which can be drawn on the basis of the said facts and circumstances of the case is that this unit was a separate unit and it was entirely a newly set-up unit. Therefore, the claim of the petitioners for grant of bonus from the dates of their appointments is not justified and they are entitled to bonus only after the said unit had completed the infancy period. As such, the petitioners have failed to prove this issue. Accordingly, this issue is decided against the petitioners.

RELIEF :

9. Keeping my findings on the aforesaid issues in view, I hold that the petitioners are entitled to the pay scales of Television Factory, Solan only *w.e.f.* 13-1-1986 to 31-3-1987 and they are not entitled to the said pay scales for the remaining period. As such, the reference is answered in favour of the petitioners to the extent mentioned above and same stands disposed of. A copy of this award be sent to H.P. Government for its publication. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 12th June, 1995.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, H.P., Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Refence No. 77 of 1993

Instituted on : 5-10-1993.

Decided on : 1-4-1995.

Shri Umesh Kumar ... *Petitioner.*

Versus

General Manager, Country Liquor Bottling Plant, Mehatpur, District, Una ... *Respondent.*

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri R. K. Singh, AR.

For respondent : Shri. P. L. Kaith, AR.

AWARD :

Through this reference, the State Government has referred the dispute regarding the termination of the services of Shri Umesh Kumar, hereinafter, referred to as 'petitioner' for determination by this Court.

2. The case of the petitioner is that he was appointed by the management, Country Liquor Bottling Plant, Mehatpur, hereinafter referred to as 'respondent' as workman, on 5-7-1989. Subsequently, he was terminated on 31-3-1991, without any notice, enquiry and compensation. Thus, the petitioner has stated that his termination is illegal and the same be set-aside and he be reinstated with back wages.

3. On the other hand, the respondents have contested the claim aforesaid of the petitioner on the ground that the petitioner had been appointed against specific work *i.e.*, in connection with the construction of liquor tank and after the said work was over, his services were terminated. Thus, the respondents have raised the plea that the appointment of the petitioner was on contract basis and as such, he is not entitled to the protection of the provisions of Section 25-F of the Industrial Disputes Act, 1947.

4. On the aforesaid pleadings of the parties, following issues were framed :

1. Whether the termination of petitioner Shri Umesh Kumar is illegal and unjustified ? If so, to what relief the petitioner is entitled to ? OPP.
2. Relief.

5. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

FINDINGS :

Issue No. 1. Yes.

Relief :

Reference answered in favour of the petitioner.

REASONS FOR DECISION :

6. *Issue No.* 1.—It is admitted case of the respondents that the petitioner had worked for more than 240 days during the calendar year preceding the date of his termination. However, the respondents have taken the stand that the appointment of the petitioner was for a specific period because it was a contract appointment and as such, the petitioner is not entitled to the protection of Section 25-F of the Industrial Disputes Act, 1947. There is no denying the fact that Section 25-F of the Industrial Disputes Act, 1947 deals with the termination cases like the present one. However, case of contract appointment does not fall within the purview of Section 25-F supra. I have gone through the evidence of the respondents which has been led in support of the plea to the effect that the appointment of the petitioner was a contract appointment and am of the view that the same is totally insufficient. The respondent-management has not placed on record any appointment letter of the petitioner so as to show that his appointment was actually a contract

appointment. Similarly, the statement of Shri S.N. Sinha (RW-1) would make it clear that no written appointment letter was issued to the petitioner. However, bald statement of Shri S. N. Sinha (RW-1) to effect that the appointment of the petitioner was for a specified period, cannot be believed; especially in the absence of any documentary proof on record. Therefore, I am not inclined to believe the said version of Shri S. N. Sinha. Further, it is admitted case of the respondent that no compliance of Section 25-F of the Industrial Disputes Act, 1947 was made in this case because the respondents have mentioned that the appointment of the petitioner was a contract appointment. As such, I am of the view that the appointment of the petitioner was not a contract appointment because the respondents have failed to prove the said plea. Therefore, the petitioner is entitled to the protection of Section 25-F of the Industrial Disputes Act, 1947. It is a settled Principal of Law that the provisions of Section 25-F supra are mandatory and violation thereof would render the termination illegal. Since, in the present case, the respondents have not complied with the said provisions of Section 25-F supra, it can clearly be held that the termination of the petitioner is illegal and unjustified. Thus, I hold that the petitioner has proved this issue. Accordingly, this issue is decided in favour of the petitioner.

RELIEF :

7. Keeping my findings on the aforesaid issues in view, I hold that the termination of petitioner is illegal and unjustified and as such, the same is set-aside, and the petitioner is ordered to be re-instated with back wages which are assessed at Rs. 12,500/-. Accordingly, the reference stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2, for its publication in the H.P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 1st April, 1995 in the presence of the parties.

Seal. B. S. CHOUHAN,
Presiding Officer,
Labour Court, H.P. Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Reference No. 126 of 1993.

Instituted on : 13-10-1993.

Decided on : 1-4-1995.

Shri Durga Ram .. *Petitioner.*

Versus

M/s Vikas Instruments (P) Ltd., Solan .. *Respondent.*

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner ; Shri J. C. Bhardwaj, AP.

For respondent : *Ex parte.*

AWARD :

Through this reference, the State Government has referred the dispute regarding the termination of Shri Durga Ram, hereinafter referred to as 'petitioner', for determination by this Court.

2. The case of the petitioner is that he was employed, on daily wages, by the respondent on 11-6-1992 and thereafter, he worked till 15-9-1992, whereafter, his services were terminated without any notice and compensation. Thus, the petitioner has stated that his termination is illegal and the same be set aside and he be reinstated with full back wages. Apart from this, the petitioner has also stated that he has not been paid his wages to the tune of Rs. 328/- by the respondent despite demands. Thus, the petitioner has stated that the respondent be directed to pay the said wages with interest.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner on the ground that the applicant was never employee of the respondent and as such, the question of his termination does not arise. Similarly, it is stated that the question of payment of wages to the tune of Rs. 328/- to the petitioner does not arise, because the petitioner has not been servant of the respondent.

4. On the aforesaid pleadings of the parties, following issues were framed :

1. Whether the termination of the petitioner Shri Durga Ram is illegal and unjustified ? If so, to what benefits, the petitioner is entitled to? OPP.

2. Whether the petitioner is entitled to a sum of Rs. 328/- on account of his wages ? OPP.

3. Relief.

5. I have heard the petitioner and Shri J. C. Bhardwaj, AR for the petitioner. However, no one has appeared today for the respondent and as the respondent has been proceeded against *ex-parte*. I have gone through the relevant record. My findings on the aforesaid issues are as under :

FINDINGS :

Issue No. 1. No.

Issue No. 2. Yes.

Relief :

REASONS FOR DECISION :

6. *Issue No.* 1. The evidence on record would clearly go to show that the petitioner had not worked for 240 days during the entire period of his employment. In order to attract the provisions of Section 25-F of the Industrial Disputes Act, 1947, which section governs the termination cases like the present one, the aggrieved workman, has to prove that he had worked for 240 days within the calendar year preceding the date of his termination. Evidently, in the case in hand, the petitioner had not worked for 240 days and as such, he is not entitled to the protection of Section 25-F of the Industrial Disputes Act, 1947. Therefore, termination of the petitioner cannot be held illegal. This being so, the petitioner is not entitled to reinstatement. As such, I hold that the petitioner has failed to prove this issue. Accordingly, this issue is decided against the petitioner.

7. *Issue No.* 2. The petitioner has categorically stated that a sum of Rs. 328/- on account the arrear of his wages for the period from June, 1992 to September, 1992 has not been paid to him by the management despite demands. There is nothing on record to disbelieve the said version of the petitioner. Thus, I am inclined to believe the version aforesaid of the petitioner not only to the effect that the respondent had failed to pay him the said amount of wages of Rs. 328/- but, also to the effect that the petitioner had been employee of the respondent. The fact that the petitioner was employee of the respondent is also borne out of the contents of Ex. P-1, which is letter dated 11-12-92 written by the respondent to the petitioner and in this letter, the respondent had denied the liability, in question. However, it has not been mentioned in the said letter that the petitioner had not been employee of the respondent. Thus, the defence of the respondent that the petitioner never remained employee of the Respondent is result of after-thought and it does not have any basis. As such, the

petitioner is entitled to recover the said wages from the respondent and the petitioner is also entitled to interest on the said amount from the respondent because the respondent has withheld the said amount without any reasonable cause. Accordingly, I hold that the petitioner is entitled to recover the said amount of wages with interest @18 % per annum *w.e.f.* 9-12-1992, *i.e.* the date when he had raised the demand regarding the payment of the said amount. The interest will be payable till the said amount is paid by the respondent. As such, the petitioner has proved this issue. Accordingly, this issue is decided in favour of the petitioner.

RELIEF :

8. Keeping my findings on the aforesaid issues in view, I hold that the petitioner has failed to prove that his termination is illegal and as such, he is not entitled to re-instatement. However, the petitioner is entitled to the payment of Rs. 328/- from the respondent with interest @18 % per annum *w.e.f.* 9-12-1992 till the said amount is paid by the respondent. Accordingly the reference stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-171002, for its publication. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 1st April, 1995.

Seal. B. S. CHOUHAN.
Presiding Officer,
Labour Court, H.P., Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Reference No. 112 of 1991

Instituted on: 7-12-1991

Decided on: 21-6-1995

Shri Ranbir Singh & Others .. *Petitioners.*

Versus

Regional Manager, Himachal Road Transport Corporation, Nahan .. *Respondent.*

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioners: Shri A. K. Gupta, Advocate.
For respondent: Shri K. C. Chauhan, AR.

AWARD

Through this reference, the State Government has eferred the dispute regarding the promotions of S/Shri anbir Singh, Chanan Singh, Vakil Singh and Mohan ingh-I, hereinafter referred to as 'petitioners', for deter-ination by this Court.

2. Brief facts of the case are that the petitioners ere cleaners-*cum*-conductors in October, 1974 in the stwhile Himachal Government Transport, when the me was merged with Himachal Road Transport Cor-oration, hereinafter referred to as 'respondent'. At at time, there were two categories of conductors it of which one category that of bus conductors, while e other was of cleaners-*cum*-conductors of the trucks. ie bus conductors were class III employees, while aners-*cum*-conductors were Class-IV employees. ie cleaners-*cum*-conductors were entitled to promotion conductors. After the Himachal Road Transport rporation came into inception, the General Manager, RTC had circulated draft Recruitment and Promotion les of conductors and other Class-III employees l according to these rules, the cleaners-*cum*-nductors who had five years service were also made gible for promotion to the posts of conductors.

3. The claim of the petitioners is that they were entitled to promotion as conductors being departmental candidates and as such, they should have been promoted as conductors in accordance with the Recruitment and Promotion Rules which were circulated on 7-4-1975, but, the respondent failed to do so. Thus, the petitioners have raised the present dispute to the effect that they were entiled to promotions to the posts of conductors in October, 1974 and as such, they be deemed to have been promoted as conductors and be declared entitled to the benefits of the salary of the conductors during the period from 2-10-1974 to 13-10-1978. However, in October, 1978, the HRTC had equated the category of cleaners-*cum*-conductors with conductors and all the 237 cleaners-*cum*-conductors including the petitioners had been made conductors.

4. On the other hand, the respondent has contested the claim aforesaid of the petitioners on the ground that the petitioners were not eligible for promotion to the posts of conductors and as such, they are not entitled to any relief.

5. On the aforesaid pleadings of the parties, following issues were framed:—

1. Whether the petitioners are entitled to promotion as conductors in accordance with the provisions of the draft Rules dated 7-4-1975? If so, since when and to what benefit, they are entitled to? OPP.

2. Relief.

6. I have heard the representatives of the parties and have gone through the relevant record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

FINDINGS :

Issue No. 1	No.
Relief	Reference answered against the petitioner.

REASONS FOR DECISION :

7. *Issue No* 1.—The scrutiny of the evidence of the parties on record would make it evident that prior to the merger of Himachal Government Transport with Himachal Road Transport Corporation in October, 1974, and even thereafter till 1978, there were two categories of conductors out of which one category was that of the conductors employed with the buses, while the other was of cleaners-*cum*-conductors, who were employed with the trucks. The conductors were Class-III employees, while, the cleaners-*cum*-conductors were Class-IV employees. However, the cleaners-*cum*-conductors were eligible for promotion to the posts of conductors only after completion of five years service as cleaners-*cum*-conductors. The Recruitment and Promotion Rules which were in vogue prior to the merger of Himachal Government Transport with Himachal Road Transport Corporation in respect of these two categories of employees were similar to the Draft Rules which were circulated by Himachal Road Transport Corporation on 7-4-1975. Out of the four petitioners, only the petitioner Shri Mohan Singh-I was eligible for promotion because he had been working as cleaner-*cum*-conductor since 1963 and as such, he was having five years service during the period from October, 1974 to 1978. However, the remaining three petitioners S/Shri Ranbir Singh, Chanan Singh and Vakil Singh were only daily wages cleaners-*cum*-conductors till October, 1974, when they were made regular. Thus, these three petitioners were not eligible for promotion to the posts of conductors, during the period from 1974 to 1978. As regards the entitlement of Shri Mohan Singh-I, it was not only, he, who was the only candidate eligible for promotion, there were also many other senior persons to him who were eligible for promotion. However, those other cleaners-*cum*-conductors, who are stated

to be 237 in number, are not party in this case. Any how, it remains a fact that Shri Mohan Singh-I has not led any evidence to show that he was the senior most amongst these 237 cleaners-*cum*-conductors, so as to hold that he was entitled to promotion during the period from 1974 to 1978. Thus, it can be held that according to the Draft Rules, in question, on the basis of which the petitioners have claimed promotion, three petitioners S/Shri Ranbir Singh, Chanan Singh and Vakil Singh were not eligible for promotion, while the fourth petitioner Shri Mohan Singh-I has also failed to prove that he was the senior most cleaner-*cum*-conductor amongst 237 cleaners-*cum*-conductors during the period, in question, and was entitled to promotion. Thus, the petitioners have failed to prove that they were entitled for promotion to the posts of conductors during the period from 1974 to 1978. However, it remains a fact that in 1978, the respondent HRTC had abolished the category of cleaners-*cum*-conductors and had equated the posts of cleaners-*cum*-conductors with the posts of Conductors and thereafter, the petitioners alongwith other cleaners-*cum*-conductors had been working as Conductors. Therefore, I hold that the petitioners have failed to prove this issue. Accordingly, this issue is decided against the petitioner.

RELIEF:

8. Keeping my findings on the aforesaid issue in view, I hold that the petitioners have failed to prove their claim and as such, they are not entitled to any relief. Thus, the reference is decided against the petitioners. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the paties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 21st June, 1995 in the presence of the parties.

Seal.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Reference No: 75 of 1994

Instituted on: 31-8-1994

Decided on: 22-6-1995

Shri Balwant Singh ..*Petitioner.*

Versus

1. The Superintending Engineer, I&PH Circle, Nahan.

2. The Executive Engineer, I&PH Division, Paonta Sahib, District Sirmaur.

3. The Assistant Engineer, Giri Irrigation Sub-Division, Majra ..*Respondents.*

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner: Shri A. K. Gupta, Advocate.

For respondent: Shri Naveen Puri, AR.

AWARD

Through this reference, the State Government has referred the dispute regarding the termination of Shri Balwant Singh, hereinafter referred to as 'petitioner' for determination by this Court.

2. The case of the petitioner is that he was employed by the Executive Engineer, Giri Irrigation Division, Majra, hereinafter referred to as 'respondent' as beldar on daily wages in the year, 1989 and thereafter, he worked continuously till July, 1990 when his services were terminated without any notice and compensation. Thus, the petitioner has alleged that his termination is illegal and the same be set aside and he be reinstated with full back wages.

3. On the other hand, the respondents have contested the claim aforesaid of the petitioner on the ground that the petitioner had not worked for 240 days during the calendar year preceding the date of his termination and as such, he is not entitled to the benefit of Section 25-F of the Industrial Disputes Act, 1947.

4. On the aforesaid pleadings of the parties, following issues were framed:

1. Whether the termination of the petitioner Shri Balwant Singh is illegal and unjustified ? If so, to what relief the petitioner is entitled to ? OPP
2. Relief.

5. I have heard the representatives of the parties and have gone through the relevant record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

FINDINGS:

Issue No. 1 No.
Relief Reference answered against the petitioner.

REASONS FOR DECISION:

6. *Issue No.* 1.—The petitioner has not led any evidence, at all, in support of his claim. On the other hand, the respondent has placed on record Ex.R.-1, which is the statement of working days of the petitioner. The perusal of the contents of the said statement would go to show that the petitioner had worked only for 219 days during the calendar year preceding the date of his termination. This fact has not been disputed by the learned advocate for the petitioner, during the course of arguments. For the purpose of obtaining relief under Section 25-F of the Industrial Disputes Act, 1947, the aggrieved workman has to show that he had worked for 240 days during the calendar year perceding the date of his termination; failing which he would not be entitled to the protection of the said section of law. Evidently, in the case in hand, the petitioner had not worked for 240 days during the calendar year preceding the date of his termination. Therefore, the petitioner is not entitled to the protection of Section 25-F of the Industrial Disputes Act, 1947. As such, the petitioner has failed to prove that his termination is illegal and unjustified. Accordingly, I hold that the petitioner has failed to prove this issue. Therefore, this issue is decided against the petitioner.

RELIEF:

7. Keeping my findings on the aforesaid issues in view, I hold that the petitioner is not entitled to any relief. As such, the reference is decided against the petitioner and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 22nd June, 1995 in the presence of the parties.

Seal.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

LABOUR, EMPLOYMENT AND PRINTING DEPARTMENT

NOTIFICATION

Shimla-2, the 28th July, 1995

No.19-8/90 Shram-Vol-IV-Loose. In exercise of the power vested in him under Section 17(1) of the Industrial Disputes Act, 1947 the Governor, Himachal Pradesh is pleased to order the publication of the awards in the Rajpatra, announced by the Presiding Officer, Labour Court in respect of the following cases:—

S. No.	Case No.	Parties	Section	Remarks
1	2	3	4	5
1.	Ref. 86/91	Mazdoor Sangh V/s M/s Punjab Laminates (P) Ltd. Mehatpur.	Sec. 10	for publication.
2.	Ref. 104/92	Kamgar Sangh V/s Secy. HPSEB Shimla.	-do-	-do-
3.	Ref. 65/94	Tilak Raj V/s M/s Chamera Vidyut Pariyojna, Kurian, District Chamba.	-do-	-do-
4.	Ref. 2/92	K. K. Khanna V/s M/s Chamera Vidyut Pariyojna, Kurian District Chamba.	-do-	-do-
5.	Ref. 44/93	Chain Lal V/s -do-	-do-	-do-
6.	Ref. 51/94	Workers & Karamchari Union V/s M/s Chamera Vidyut Pariyojna, Kurian, District Chamba.	-do-	-do-
7.	Ref. 131/93	Workers V/s Manager, Baira Sieul Project, Surgani, District Chamba.	-do-	-do-
8.	Ref. 61/94	Staff Association V/s -do-	-do-	-do-
9.	Ref. 93/92	K.M.M.Jyoti Roa V/s Regident Engineer, Chamera Project M/s Tungbhadra Steel Products Ltd. Deol More, P.O. Bathri, District Chamba.	-do-	-do-
10.	Ref. 8/94	Workers Union V/s M/s Himachal Fibers Ltd. Barotiwala.	-do-	-do-
11.	Ref. 34/93	Daya Kishan V/s M/s Himachal Milk Speciality (P) Ltd. Paonta Sahib.	-do-	-do-
12.	Ref. 12/94	Satnam Signh V/s M/s Sirmour Allied & Cement Industries, Paonta.	-do-	-do-
13.	Ref. 40/94	Workers Union V/s M/s Himachal Fibers Ltd. Barotiwala.	-do-	-do-
14.	Ref. 29/93	Jeet Singh V/s M/s Pamwi Tissues Barotiwala.	-do-	-do-
15.	Ref. 30/93	Raj Mall V/s M/s Pamwi Tissues Ltd. Barotiwala.	-do-	-do-
16.	Ref. 179/88	Shamsher Chand V/s HRTC., Nahan.	-do-	-do-
17.	Ref. 99/92	Bam Dev V/s M. D., H.P. State Handicrafts & Handloom Corpn., Shimla.	-do-	-do-
18.	Ref. 101/91	Toja Singh V/s M/s Eicher Tractors Ltd. Parwanoo.	Sec.	for publication.
19.	Ref. 87/92	Jagmohan Singh & Ors. V/s M.D., M/s International Cylinder Pvt. Ltd. Gondpur, Paonta Sahib.	-do-	-do-

By order,

S. S. SIDHU,
Financial Commissioner-cum-Secretary.

Labour Court, Himachal Pradesh, Shimla

CASE NO. Ref. 86/91

Punjab Laminates Mazdoor Sangh

Versus

Manager, Punjab Laminates (P) Ltd. Mehatpur, Distt. Una.

6-4-1995 : Present: Shri P. L. Bery, AR for petitioners
Shri P. R. Sharma, AR for Respondents.

AWARD

As per statements of the representatives of the parties and statement of Sh. Dharam Pal, President of the petitioners union placed on record, the parties have arrived at amicable settlement. According to the settlement, the respondent-management has agreed to pay wages for the period of two months fifteen days to all the workers, in question, who are, at present, on rolls of the respondent company and the said workers on the other hand have agreed to receive the said wages and they have given up their claim in respect of the wages for the remaining period. As regards the demand regarding the termination of the workers S/Shri Kulwant Rai and Rakesh Kumar, they have already been taken back by the respondent company in consequence of the interim order dated 22-4-1992 of this Court. As regards their wages, for the period they remained out of job, they are at liverty to recover the same in due course of law, if they are entitled to the same. In so far as the other workers, who are not, at present, in the rolls of the respondent company they have already received full and final payment and as such, they will not be entitled to the wages aforesaid. However, if there is any worker who is not, at present, on the roll of the respondent company and has not received full and final payment, he shall be entitled to the wages aforesaid. As regards the remaining demands, the petitioner-workers have given up he same. As such, the present dispute comes to an end. Accordingly the reference stands disposed of on the basis of the settlement aforesaid. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its publication this be consigned to record room after its completion.

Announced in the open Court today the 6th April, 1995 in the presence of the parties.

Seal.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Shimla

Case No. Ref. 104/92

HPSEB Pragtisheel Kamgar Sangh
Versus
Secretary, HPSEB, Shimla.

10-4-1995 Present : Sh. Ram Prakash, one of the Petitioner President of the Union. Sh. S. K. Arora, AR of Respondent.

AWARD

As per statements of the parties representatives placed, on record, the demand, in question, of the workers with respect to regularisation of their servcies has since been met with because thirty nine wokers have now been regularised and the remaining workers are not interested in their regularisation. As such, the dspute in question comes to an end and the reference, in question, stands disposed of accordingly. A copy of this award be sent to the Government of Himachal Pradesh for publication in Rajpatra in accordance with law. A copy of this award be also supplied to each of the parties, if applied for. The case file be consigned to the recored room after completion.

Announced on 10-4-1995.

Seal. B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. Ref. 65/94

Tilak Raj
Versus
M/s Chamera Jal Vidyut Pariyojna, Kurian, Distt. Chamba.

19-4-1995 Present: Shri T. R. Bhardwaj, AR for petitioner.
Shri Om Parkash AR for respondent.

ORDER

The respondent-management has taken up an objection through an application, with respect to the jurisidiction of this Court, on the ground that in respect of the reference, in question, the appropriate Government the Central Government and since the present reference has been made by the State Government, this Court does not have jurisdiction to adjudicate the present dispute. After the said objection was raised by the respondent, Shri T. R. Bhardwaj, representative of the petitioner had taken the stand that there has been a notification of the Central Government in which the State Government has been declared as the appropriate Government in respect of the respondent Corporaton. For this purpose, Shri Bhardwaj had requested for time for production of a copy of such notification and accordingly, the same was allowed. Today, Shri Bhardwaj has submitted a copy of letter dated 7-6-1994 of Assistant Director, Government of India Ministry of Labour, Delhi, which letter has been addressed to the Labour Commissioner, Himachal Pradesh Government, Shimla in which it is mentioned appropriate Government under the Industrial Disputes Act, 1947 in respect of the respondent-corporation *i.e.* M/s National Hydroelectric Power Corporation, is the State Government.

2. I have heard Shri T. R. Bhardwaj and Shri Om Parkash, representative of the respondent and have considered the contents of the letter aforesaid of the Assistant Director, Government of India, Ministry of Labour and am of the view that this letter expressed only the opinion of the said Assistant Director and does not even mention any notification which may have been issued by the competent authority thereby declaring the State Government as the appropriate Government in respect of the respondent corporation. Therefore, this letter does not carry any weight. However, Shri T. R. Bhardwaj, has stated that he does not have any copy of notification in which the State Government has been declared as the appropriate Government in respect of the respondent-corporation. With respect to the jurisdiction of this Court, in a case like the present one, our Hon'ble High Court has alerady held in CWP No.132 of 1991 titled **"National Hydroelectric Power Corporation Ltd. V/s State of Himachal Pradesh and Others"** that in case of National Hydroelectric power Corporation, it is only the Central Government which is the appropriate Government and as such, the State Government does not have any jurisdiction to refer the dispute to this Court for adjudiction. The Hon'ble High Court has laid the said ratio of law while interpreting the provisons of Section 2 *(a) (I)* of the Industrial Disputes Act, 1947, which section deals with the definition of the appropriate Government. Therefore, in the wake of the said law laid down by our Hon'ble High Court, I have no alternative, but, to hold that the State Government has no jurisdiction to refer the dispute like the present one to this Court for adjudication. Thus, I hold that the reference, in question, is illegal being without juridiction and this being so, the present dispute can not be adjudicated and at such, the reference stands disposed of accordingly.

Announced in the Open Court, today the 19th April, 1995 in the presence of the parties.

Seal. B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. Ref. 2/92

K. K. Khanna
Versus
M/s Chamera Jal Vidyut Pariyojna (NHPC) Stage-I, Dalhousie, District Chamba.

19-4-1995 Present: Shri T.R.Bhardwaj, AR for petitioner.
Shri M. S. J. Sinha, AR for respondent.

ORDER

The respondent-management has taken up an objection, through an application, with respect to the jurisdiction of this Court, on the ground that in respect of the reference, in question, the appropriate Government is the Central Government and since the present reference has been made by the State Government, this Court does not have jursdiction to adjudicate the present dispute. After the said objection was raised by the respondent, Shri T. R. Bhardwaj, representative of the petitioner had taken the stand that there has been a notificat on of the Central Goverment in which the State Goverment has been declared as the appropriate Government in respect of the respondent corporation. For this purpose, Shri Bhardwaj had requested for time for production of a copy of such notification and accordingly, the same was allowed. Today, Shri Bhardwaj has submitted a copy of letter dated 7-6-1994 of Assistant Director, Government of India,

Ministry of Labour, Delhi, which letter has been addressed to the Labour Commissioner, Himachal Pradesh Government, Shimla in which it is mentioned appropriate Government under the Industrial Dispute Act, 1947 in respct of the respondent-corprroration *i. e.* M/s National Hydroelectric Power Corporation is the State Government.

2. I have heard Shri T.R. Bhardwaj and Shri M.S.J. Sinha, representative of the respondent and have considered the contents of the letter aforesaid of the Assistant Director, Government of India Ministry of Labour and am of the view that this letter expressed only the opinion of the said Assistant Director and does not even mention any notification which may have been issued by the competent authority thereby declaring the State Government as the appropriate Government in respect of the respondent-corporation. Therefore, this letter does not carry any weight. However, Shri T. R. Bhardwaj, has stated that the does not have any copy of notification in which the State Government has been declared as the appropriate Government in respect of the respodent-corporation. With respect to the jurisdiction of this Court, in a case like the present one, our Hon'ble High Court has already held in CWP No. 132 of 1991 titled **"National Hydroelectric Power Corporation Ltd. *vs.* State of Himachal Pradesh and Others"** that in case of National Hydroelectric power Corporation, it is only the Central Government which is the appropriate Government and as such, the State Government does not have any jurisdiction to refer the dispute to this Court for adjudication. The Hon'ble High Court has laid the said ratio of law while interpreting the provisions of Section 2 *(a) (i)* of the Industrial Distputes Act, 1947, which section deals with the definition of the appropraite Government. Therefore, in the wake of the said law laid down by our Hon'ble High Court, I have no alternative, but, to hold that the State Government has not jurisdiction to refer the dispute like the present one to this Court for adjudication. This, I hold that the reference, in question, is illegal being without jurisdiction and this being so, the present dispute cannot be adjudicated and as such, the reference stands disposed of accordingly.

Announced in the Open Court today the 19th April, 1995 in the pretence of the partis.

Seal.

B. S. CHOUHAN,

Presiding Officer,
Labour Court, Himachal Pradesh.

In the Court of Shri B. S. Chouhan, Presiding Officer. Labour Court, Himachal Pradesh, Shimla

Case No. Ref. 44/93

Chain Lal
Versus
Manager Incharge, Chamera Jal Vidyut Pariyojna, Kurian, Distt. Chamba.

10-4-1995 : Present: Shri T. R. Bhardwaj, AR for petitioner.
Shri Om Parkash, AR for the respondent.

ORDER

The respondent-management has taken up an objection, through an application, with respect to the jurisdiction of this Court, on the ground that in respect of the reference, in question, the appropriate Government is the Central Government and since the present reference has been made by the State Government, this Court does not have jurisdiction to adjudicate the present dispute. After the said objection was raised by the respondent, Shri T. R. Bhardwaj, representative of the petitioner had taken the stand that there has been a notification of the Central Government in which the State Government has been declared as the appropriate Government in respect of the respondent Corporation. For this purpose, Shri Bhardwaj had requested for time for production of a copy of such notification and accordingly, the same was allowed. Today, Shri Bhardawj has submitted a copy of letter dated 7-6-1994 of Assistant Director, Government of India, Ministry of Labour, Delhi, which letter has been addressed to the Labour Commissioner, Himachal Pradesh Government, Shimla in which it is mentioned appropriate Government under the Industrial Dispute Act, 1947 in respect of the respondent-corporation *i.e.* M/s National Hydroelectric Power Corporation, is the State Government.

2. I have heard Shri T.R. Bhardwaj and Shri Om Parkash, representative of the respondent and have considered the contents of the letter aforesaid of the Assistant Director, Government of India, Ministry of Labour and am of the view that this letter expressed only the opinion of the said Assistant Director and does not even mention any notification which may have been issued by the competent authority thereby declaring the State Government as the appropriate Government in respect of the respondent corporation. Therefore, this letter does not carry any weight. However, Shri T. R. Bhardwaj, has stated that he does not have any copy of notification in which the State Government has been declared as the appropriate Government in respect of the respondent-corporation. With respect to the jurisdiction of this Court, in a case like the present one, our Hon'ble High Court has already held in CWP No. 132 of 1991 titled **"National Hydroelectric Power Corporation Ltd. *vs.* State of Himachal Pradesh and Others"** that in case of National Hydroelectric power Corporation, it is only the Central Government which is the appropriate Government and as such, the State Goverment does not have any jurisdiction to refer the dispute to this Court for adjudication. The Hon'ble High Court has laid the said ratio of law while interpreting the provisions of Section 2 *(a) (i)* of the Industrial Disputes Act, 1947, which section deals with the definition of the appropriate Government. therefore, in the wake of the said law laid down by our Hon'ble High Court, I have no alternative, but, to hold that the State Government has not jurisdiction to refer the dispute like the present one to this Court or adjudication. Thus, I hold that the reference, in question, is illegal being without jurisdiction and this being so, the present dispute cannot be adjudicated and as such, the reference stands disposed of accordingly.

Announced in the Open Court today the 19th April, 1995 in the presence of the parties.

Seal.

B. S. CHOUHAN,

Presiding Officer,
Labour Court, Himachal Pradesh.

In the Court of Shri B. S. Chouhan, Presiding Officer, Laboar Court, Himachal Pradesh, Shimla

Case No. Ref. 51/94

Chamera Hydel Workers & Karamchari Union
Versus

M/s Chamera Hydroelectric Project, Kurian, Distt. Chamba.

19-4-1995: Present: Shri T.R. Bhardwaj, AR for petitioner.
Shri Om Parkash, AR for the respondent.

ORDER

The respondent-management has taken up an objection, through an application, with respect to the jurisdiction of this Court, on the ground that in respect of

the reference, in question, the appropriate Government is the Central Government and since the present reference has been made by the State Government, this Court does not have jurisdiction to adjudicate the present dispute. After the said objection was raised by the respondent, Shri T. R. Bhardwaj, respresentative of the petitioner had taken the stand that the re has been a notification of the Central Government in which the State Government has been declared as the appropriate Government in respect of the respondent-corporation. For this purpose, Shri Bhardwaj had requested for time for production of a copy of such notification and accordingly, the same was allowed. Today, Shri Bhardwaj has submitted a copy of letter, dated 7-6-1994 of Assistant Director, Government of India, Ministry of Labour, Delhi, which letter has been addressed to the Labour Commissioner, Himachal Pradesh Government, Shimla in which it is mentioned appropriate Government under the Industrial Dispute Act, 1947 in respect of the respondent-corporation *i.e.* M/s National Hydroelectric Power Corporation. is the State Government.

2. I have heard Shri T. R. Bhardwaj and Shri Om Parkash, representative of the respondent and have considered the contents of the letter aforesaid of the Assistant Director, Government of India, Ministry of Labour and am of the view that this letter expressed only the opinion of the said Assistant Director and does not even mention any notification which may have been issued by the competent authority thereby declaring the State Government as the appropriate Government in respect of the respondent corporation. Therefore, this letter does not carry any weight. However, Shri T. R. Bhardwaj, has stated that he does not have any copy of notification in which the State Government has been declared as the appropriate Government in respect of the respondent-corporation. With respect to the jurisdiction of this Court, in a case like the present one, our Hon'ble High Court has already held in CWP No. 132 of 1991 titled "**National Hydro electric Power Corporation Ltd. *vs.* State of Himachal Pradesh and Others**" that in case of National Hydro electric Power Corporation, it is only the Central Government which is the appropriate Government and as such, the State Government does not have any jurisdiction to refer the dispute to this Court for adjudication. The Hon'ble High Court has laid the said ratio of law while interpreting the provisions of Section 2 (*a*)(*i*) of the Industrial Disputes Act, 1947, which section deals with the definition of the appropriate Government. Therefore, in the wake of the said law laid down by our Hon'ble High Court, I have no alternative, but to hold that the State Government has not jurisdiction to refer the dispute like the present one to this Court of adjudication. Thus, I hold that the reference, in question, is illegal being without jurisdiction and this being so, the present dispute cannot be adjudicated and as such, the reference stands disposed of accordingly.

Announced in the Open Court today the 19th April, 1995 in the presence of the parties.

Seal. B. S. CHOUHAN,

Presiding Officer,
Labour Court, (H. P.)

In the Court of Shri B. S. Chouhan, Presiding Officer Labour Court, Himachal Pradesh, Shimla

Case No. Ref. 131/93.

General Secretary, NHPC Workers Union

Versus

Manager, Baira Sieul Project, Surgani, Distt. Chamba

19-4-1995 : Present: Shri T. R. Bhardwaj, AR for petitioner

Shri E. Tirkey, AR for respondent

AWARD :

The respondent-management has raised a preliminary objection in this case with respect to the jurisdiction of this Court on the ground that the appropriate Government in respect of the respondent-corporation is the Central Government and since the reference, in question, has been made by the State Government, the same is illegal. On the other hand, Shri T. R. Bhardwaj, representative of the petitioner has stated that it is the State Government which is the appropriate Government in respect of the respondent corporation. In support of this plea, Shri Bhardwaj has referred to letter, dated 7-6-1994, which has been written by the Assistant Director, Government of India, Ministry of Labour, Delhi, to the Labour Commissioner, Himachal Pradesh, Shimla in which it has been stated that the appropriate Government under the Industrial Disputes Act, 1947 in respect of the respondent corporation *i.e.* M/s National Hydroelectric Power Corporation is the State Government. I have considered the contents of this letter and am of the view that this letter contains only the opinion of the officer aforesaid and as such, it does not carry any weight. However, Shri Bhardwaj has failed to place on record any copy of notification which may have been issued by the competent authority thereby declaring the State Government as the appropriate Government in respect of the respondent corporation. In this connection, it would be relevant to mention that our Hon'ble High Court in CWP No. 132 of 1991 titled "**National Hydroelectric Power Corporation *v/s* State of Himachal Pradesh and others**" has held that in case of M/s National Hydro electric Power Corporation, the appropriate Government is the Central Government. This ratio of law has been laid down by the Hon'ble High Court while interpreting the provisions of section 2(*a*) (*i*) of the Industrial Disputes Act, 1947, which section deals with the definition of the appropriate Government. Therefore, in the wake of the said law laid down by our Hon'ble High Court, I have no alternative, but to hold that the State Government has no jurisdiction to refer the present dispute to this Court for adjudication. Thus, I hold that the reference, in question, is illegal being without jurisdiction and this being, the present dispute cannot be adjudicated and as such, the reference stands disposed of accordingly. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2, for its publication in the H.P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of costs, if applied for. This be consigned to record room after its completion.

Announced in the Open Court, today the 19th April, 1995 in the presence of the parties.

Seal. B. S. CHOUHAN.

Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.
Camp Dalhousie.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. Ref.-61/94

NHPC Staff Association

Versus

M/s Baira Sieul Project, Surgani, Distt. Chamba (H.P.).

19-4-1995 : Present: Shri T. R. Bhardwaj, AR for petitioner.
Shri E. Tirkey, AR for respondent.

AWARD:

The respondent-management has raised a preliminary objection in this case with respect to the jurisdiction of this Court on the ground that the appropriate government in respect of the respondent-corporation is the Central Government and since the reference, in question, has been made by the State Government, the same is illegal. On the other hand, Shri T. R. Bhardwaj, representative of the petitioner has stated that it is the State Government which is the appropriate Government in respect of

the respondent-corporation. In support of this plea, Shri Bhardwaj has referred to letter dated, 7-6-1994, which has been written by the Assistant Director, Government of India, Ministry of Labour, Delhi to the Labour Commissioner, Himachal Pradesh, Shimla in which it has been stated that the appropriate Government under the Industrial Disputes Act, 1947 in respect of the respondent corporation i.e. M/s National Hydro electric Power Corporation is the State Government. I have considered the contents of this letter and am of the view that this letter contains only the opinion of the officer aforesaid and as such, it does not carry any weight. However, Shri Bhardwaj has failed to place on record any copy of notification which may have been issued by the competent authority thereby declaring the State Government as the appropriate Government in respect of the respondent-corporation. In this connection, it would be relevant to mention that our Hon'ble High Court in CWP No. 132 of 1991 titled **"National Hydro-electric Power Corporation vs. State of Himachal Pradesh and others"** has held that in case of M/s National Hydro electric Power Corporation, the appropriate Government is the Central Government. This ratio of law has been laid down by the Hon'ble High Court while interpreting the provisions of Section 2(a)(i) of the Industrial Disputes Act, 1947, which section deals with the definition of the appropriate Government. Therefore, in the wake of the said law laid down by our Hon'ble High Court, I have no alternative, but, to hold that the State Government has no jurisdiction to refer the present dispute to this Court for adjudication. Thus, I hold that the reference, in question, is illegal being without jurisdiction and this being so, the present dispute cannot be adjudicated and as such, the reference stand disposed of accordingly. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2, for its publication in the H. P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of costs, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 19th April, 1995 in the presence of the parties.

Seal. B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla,
Camp at Dalhousie.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. RTF. 93/92

K. M. M. Jyoti Rao .. *Petitioner.*

Versus

Resident Engineer, Chamera Project.

M/s Tung Bhadra Steel Products Ltd. Deol More P.O. Bathri, District, Chamba .. *Respondent.*

19-4-1995: Present: Smt. K M.M. Jyoti Rao Petitioner with Shri T. R. Bhardwaj, AR.
Shri S. N. Mahajqonker, AR for the respondent.

AWARD

As per statement of the parties and their representatives placed on record, the parties have arrived at settlement. According to the settlement the respondent-management has paid a sum of Rs. 22,000/-to the petitioner in lieu of her entire claim which she has set up in the present reference. On the other hand the petitioner has given up her entire claim in lieu of the said amount of Rs. 22,000/-. As such, the present dispute comes to an end and the present reference stands disposed of on the basis of the settlement aforesaid. A copy of this award be sent to the Government of Himachal Pradesh Shimla for its publication in the H.P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court to day the 19th April, 1995 at Dalhousie in the presence of the parties.

Seal. B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh Shimla,
Camp at Dalhousie.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. Ref.-8/94

General Secretary Him Fiber Workers Union.

Vs.

M/s Himachal Fibers Ltd. Barotiwala.

26-4-1995: Present: Shri Brahma Nand, General Secretary of the workers union for petitioners.
Shri V. K. Gupta, AR for the respondent.

AWARD

As per statements of the representatives of the parties placed on record, the parties have arrived at settlement on 12-4-1995 on the basis of which the workers union has decided to withdraw the present reference concerning their demands. In view of this, the reference, in question, stands withdrawn and as such, the same stands disposed of accordingly. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its publication in the H. P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to the record froom after its completion.

Announced in the Open Court today the 26th April, 1995 in the presence of the parties.

Seal B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla.

Case No. Ref.-34/93

Daya Kishan .. *Petitioner.*

Vs.

Managing Director, Himachal Milk Speciality (P.) Ltd. Paonta-Sahib, Distt. Sirmaur .. *Respondent.*

3-5-1995: Present: Shri Hem Raj, AR for petitioner
Shri S. D. Mohan, AR for the respondent

AWARD

As per statements of the representatives of the parties placed on record, the parties have arrived at settlement. According to the settlement, the respondent management has agreed to pay a sum of Rs. 12,000/- to the petitioner within 10 days from today in lieu of his entire claim, which he has set up in the present reference with respect to his dismissal and in turn, the petitioner has given up his entire claim, regarding his dismissal and re-instatement. As such, the dispute comes to an end. However, it is made clear that in case the respondent fails to pay the

said amount of Rs. 12,000/- within 10 days to the petitioner, the petitioner will be entitled to recover the said amount with interest @ 18% per annum by way of execution of this award. As such, the reference stands disposed of as a result of the settlement aforesaid. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the H.P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 3rd May, 1995 in the presence of the parties.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, H. P. Shimla.

Seal.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. Ref. 12/94

Satnam Singh .. *Petitioner.*

Vs.

M/s Sirmour Allied & Cement Industries Paonta Sahib, District Sirmaur .. *Respondent.*

3-5-1995 : Present :Shri Hem Raj, AR for the petitioner
Shri S. D. Mohan, AR for the respondent

AWARD

As per statements of the representatives of the parties placed on record, the parties have arrived at settlement. According to the settlement, the respondent-management has agreed to pay a sum of Rs. 8,000/- to the petitioner within 10 days from today in lieu of the entire claim of the petitioner which he has set up in the present reference and in turn, the petitioner has given up his entire claim in respect of his termination . In view of this, the dispute comes to an end. However, it is made clear that in case the amount of Rs. 8000/- is not paid to the petitioner within 10 days, the petitioner will be entitled to recover the said amount with interest @ 18% per annum by way of execution of this award. Accordingly, the reference stands disposed of as a result of the said settlement. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the H.P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost , if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 3rd May, 1995 in the presence of the parties.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, H. P., Shimla.

Seal.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. Ref. 40/94

Him Fibers Workers Union .. *Petitioner.*

Versus

M/s Himachal Fibers Ltd. Barotiwala, District Solan .. *Respondent.*

6-5-1995: Present : Shri Brahma Nand, AR for Petitioners.
Shri V. K. Gupta, AR for respondent.

AWARD :

As per statements of the representatives of the parties placed on record, the parties have arrived at settlement. According to the settlement dated 11-4-1995, the Himachal Fibers Workers Union have decided to withdraw all the demands which they have raised in the present reference. As such, the dispute, in question, comes to an end. Accordingly, the reference stands disposed of on the basis of the said settlement. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its publication in the H.P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 6th May, 1995 in the presence of the parties.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, H. P. Shimla.

Seal.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Ref.-29/93

Jeet Singh .. *Petitioner.*

Versus

M/s Pamwi Tissues, Ltd., Barotiwala, District Solan (H. P.) .. *Respondent.*

22-4-1995 : Present : Shri J. C. Bhardwaj, AR for petitioner
Shri Surinder Kumar, AR for respondent with Shri R. K. Saini.

AWARD

As per statements of the parties representatives placed on record, the parties have arrived at settlement. According to the settlement, the respondent has agreed to take back the petitioner without back wages and the petitioner has given up his claim with respect to back wages. However, the petitioner will be entitled to the benefit of continuity of service. The petitioner will report for duty on or before 6-6-1995. As such, in lieu of the said settlement, the petitioner has given up his claim which he has set up in the present reference. Therefore, in view of the settlement aforesaid, the termination of the petitioner is set-aside and the petitioner is ordered to be re-instated without back wages. However, the petitioner will be entitled to the continuity of service. Accordingly, the petitioner will be report for duty on or before 6-6-1995. As such, on the basis of the said settlement, the dispute in question, comes to end and the reference stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh Shimla for its publication in the H.P. Rajpatra in accordance with the law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 22nd May, 1995 in the presence of the parties.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, H. P. Shimla.

Seal.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Reference No. 30 of 1993

Instituted on 3-2-1993

Decided on 22-5-1995

Shri Raj Mall *Petitioner.*

Versus

M/s Pamwi Tissues Ltd. Barotiwala, District Solan *Respondent.*

Reference Under Section 10 of the Industrial Disputes Act, 1947.

For petitioner: Shri J. C. Bhardwaj, AR

For respondent: Sh. Surinder Kumar, AR

AWARD

Through this reference, the State Government has referred the dispute regarding the termination of the services of Shri Raj Mall, hereinafter referred to as 'petitioner' for determination by this Court.

2. The case of the petitioner is that he was appointed by M/s Pamwi Tissues, Barotiwala, hereinafter referred to as 'respondent' as helper on 1-10-1987 and thereafter, he worked continuously till 22-3-1991. It is stated that on 23-3-1991, the petitioner had proceeded on leave for six day, but, due to his illness, he could not join his duty and after the expiry of the said leave and had thus, sent a telegram for extension of leave on medical grounds. Thus, it is stated that the petitioner remained ill till 16-4-1991. It is alleged that on 18-4-1991, when he came to join his duty, he had submitted medical certificate proof of his illness, but, he was not allowed to join his duty. Thereafter, he wrote a letter on 19-4-1991 to the respondent-management requesting that he be allowed to join his duty, but, to no avail. Subsequently, he wrote another letter, dated 24-4-1991, making similar request, but, even then, he was not allowed to join. Finding no alternative, he had thereafter served a demand notice on the management alleging that his termination was illegal and he be taken back in service. However, the respondent declined to take him back. The petitioner, has, thus alleged that his termination is illegal and the same be set-aside and he be re-instated with full back wages.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner on the ground that the services of the petitioner were not terminated, but, he remained absent and as such, he had abandoned the job himself. However, it is admitted that the petitioner was on leave during the period from 22-3-1991 to 28-3-1991. As regards, the period after 28-3-1991, it is stated that the respondent had not received any intimation from the petitioner with regard to his illeness.

4. On the basis of the pleadings of the parties, following issues were framed by my learned predecessor:

1. Whether the termination of the petitioner is illegal and unjustified? O. P. Parties
2. Relief.

5. I have heard the representatives of the parties and have gone through the relevant record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

FINDINGS

Issue No: 1. Yes.
Relief: Reference answered in favour of the petitoner.

REASONS FOR DECISION

6. *Issue No.* 1.—The scrutiny of the evidence of the parties on record would make it evident that the petitioner was employed as helper on 1-10-1987 and thereafter, he had worked continuously till 22-3-1991 and subsequently, on 23-9-1991, he had proceeded on leave for six days which leave was sanctioned in his favour. It is further evident from the evidence of the petitioner that after expiry of six days leave, he could not join his duty due to illness and he remained ill till 16-4-1991. This fact is evident from Ex. PC. which is a copy of the medical certificate. Not only this, the statement of the petitioner coupled with the contents of Ex.PB which is a copy of the receipt of telegram, would go to show that the petitioner had telegraphically informed the respondent regarding his illness. Thus, the fact that the petitioner remained ill during the period from 25-3-1991 to 16-4-1991, is fully proved from the said evidence on record. Further, the perusal of the contents of Ex.PD and Ex. PE coupled with the contents of Ex.R-5 would go to show that after the petitioner had recovered from illness, he had come to join his duty on 16-4-1991, but, the respondent did not allow him to join his duty. As regards the evidence of the respondent, no doubt, the respondent has placed on record Ex.R-1 and Ex.R-2 which are the copies of the letters which letters are shown to have been written to the petitioner during the period of his illness but, there letters cannot be taken as conclusive proof of the fact that the same were actually sent to the petitioner and were delivered to him becaue neither postal receipts concerning these letters have been placed on record nor the pettioner has admitted that he had received these letters. Any how, event it is taken that these letters were actually sent to the petitioner, even then, the same cannot be taken as proof of abandonment of services by the petitioner because the petitioner has clearly proved that he had been ill till 15-3-1991 and on 16-3-1991, when he wanted to join his duty he was not allowed to do so. Thus, copies of the letters coupled with oral evidenee of the respondent are totally insufficient to rebut the evidence of the petitioner.

7. The representative of the resporent has argued that during conciliaton, the respondent had offered fresh appointment to the petitioner without back wages, but, the petitioner had declined. Thus, he has stated that the petitioner is not interested to serve the respondent. On the other hand, the representative of the petitioner has drawn my attention to the statement of Shri R. K. Saini, (RW-1) wherein Shri Saini has stated that the respondent is not ready to take back the petitioner even without back wages. I have considered the said arguments and find that the said evidence of the respondent does not affect the case of the petitioner in any manner because the offer of the management for taking back the petitioner on fresh appointment without back wages was itself not an offer in accordance with the demand notice raised by the petitioner and as such, even if the petitioner had declined the same that would not mean that he was not interested in the employment, in question.

8. The net result of the aforesaid discussion is that the petitioner remained ill during the period from 28-3-1991 to 16-4-1991 and thereafter, the respondent did not allow him to join his duty. Thus, the petitioner has proved that the respondent had terminated his services *w.e.f.* 16-4-1991. On the other hand, the respondent has failed to prove that the petitioner had abandoned the job himself. However, it is admitted case of the respondent that the petitioner had worked for more than 240 days during the calendar year proceding the date of termination. Therefore, the petitioner is entitled to the protection of the provisions of section 25-F of the Industrial Disputes Act, 1947. There is no denying the fact that the provisions of Section 25-F of the Industrial Disputes Act, 1947 are mandatory and violation thereof would render the termination illegal. According to the said provisions of law, no workman, who has rendered at least one year continous service, shall be terminated except after the expiry of thirty days notice or he shall be paid one month wages in lieu of such notice. Apart from this, it is also provided in the said section of law that at the time of termination such workman shall also be paid compensation equivalent to fifteen days average wages for every completed year of service. Admittedly, the respondent-management has not complied with the said provisions of law and as such, the termination of the petitioner is illegal and unjustified. Accordingly, the petitioner has proved this issue and as such, this issue is decided in favour of the petitioner.

RELIEF

9. Keeping my findings on the aforesaid issues in view, I hold that the termination of the petitoner is illegal and unjustified and as such, the same is set aside and the petitioner is ordered to be re-instated with full back wages. As Such, the reference is answered in favour of the petitioner and the same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the H.P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record romm after its completion.

Announced in the Open Court today the 22nd May, 1995 in the presence of the parties.

Seal.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Reference No. 179 of 1988.

Instituted on 19-12-1994.

Decided on 22-5-1995.

Shri Shamsher Chand ...*Petitioner.*

Versus

Himachal Road Transport Corporation, Nahan, District Sirmaur, H. P. ..*Respondent.*

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner: Shri A. K. Gupta, Advocate.
For petitoner: Shri K. C. Chauhan, A. R.

AWARD

Through this reference, the State Government has referred the dispute regarding the termination of Shri Shamsher Chand, hereinafter referred to as 'petitioner', for determination by this Court.

2. The brief facts of case are that the petitioner Shri Shamsher Chand was employed by the erstwhile Himachal Government Transport, predecessor of Himachal Road Transport Corporation, hereinafter referred to as 'respondent, as Cleaner-*cum*-Conductor on daily wages in the year, 1968 and thereafter, he worked till 26-6-1970, on which date his services were terminated. However, subsequently, on 18-7-1971, he was again employed as Cleaner-*cum*-Conductor on daily wages and thereafter, he worked continously till 19-11-1974 when his services were again terminated. After his termiation, the petitioner had been trying to get himself re-instated, but, to no avail. Ultimately, the petitioner had raised a dispute with respect to his termination on the ground that the same was illegal. Accordingly, a reference was made by the government on 19-11-1988 to this Court for determination of the question as to whether the termination of the petitioner, Shri Shamsher Chand was legal or not. *vide* his award dated 30-3-1991, my learned predecessor had answered the said reference in favour of the petitioner thereby holding that the termination simplicitor of the petitioner was illegal and unjustified and as such, the petitioner was ordered to be re-instated with back wages which were fixed at Rs. 8,000/-. Subsequently, the respond nt-management had challenged the said award in the Hon'ble High Court in CWP No. 394 of 1991 and the Hon'ble High Court *vide* order dated 5-12-1994 had set-saide the said award and had remanded the case to this Court, with the following observations:—

> "As a necessary consequence, the writ petition is allowed and the impugned award is quashed. The matter is, however, sent back to the respondent-Labour Court for deciding the allegations of the management about ticketless travelling on merits. The Labour Court may while doing so, give an opportunity to the petitioner and also to responent No. 1 to adduce such other evidence as they may like to adduce in the matter".

After the case was received from the Hon'ble High Court, both the parties were given an opportunity to adduce their evidence and they have accordingly adduced their evidence.

3. The case of the petitioner is that neither any enquiry was held against him in respect of the allegations of ticketless travelling nor at the time of his termination compliance of the provisions of Section 25-F of the Industrial Disputes Act, 1947 was made by the respondent. Thus, he has stated that this termination is illegal and unjustified.

4. On the other hand, the respondent has contested the claim aforesaid of the petitioner on the ground that he was a casual worker and since his work was not found satisfactory because he was involved in many ticketless travelling cases, his services were dispensed with. The plea of the respondent is that since the petitioner was a casual worker, neither any enquiry with respect to the ticketless travelling was required to be held against him nor the petitioner was otherwise entitled to the benefit of Section 25-F of the Industrial Disputes Act, 1947.

5. On the aforesaid pleadings of the parties, the learned predecesor had framed the following issues:—

1. Whether the termination of the services of the petitioner is legal ? OPR.
2. Relief.

6. I have heard the learned advocate for the petitioner and the representative of the respondent and have gone through the relevant record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

FINDINGS

Issue No 1.	No
Relief	Reference answered in favour of the petitioner.

REASONS FOR DECISION

7. *Issue No.* 1.—There is no denying the fact that initially, the petitioner was employed by the erstwhile Himachal Government Transport as Cleaner-*cum*-Conductor on daily wages in the year, 1968 and thereafter, he worked till 26-6-1970 on which date his services were terminated. Subsequently, the petitioner was re-employed on 18-7-1971 and thereafter, he worked continuously till 17-11-1974, when his services were again dispensed with. However, it remains a fact that though the services of the petitioner were dispensed with on the allegations that he was involved in ticketless travelling, but, no enquiry was held against him in respect of the said allegations. Similarly, it is admitted case of the respondent that no compliance of the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 was made. The case of the respondent is that since the petitioner was a casual worker, C.C.S. (C.C.A) Rules, 1964 which are applicable to Government servants for the purpose of holding enquiry did not apply to him and as such, no enquiry was held

against the petitioner in respect of the allegations on the basis of which his services were dispensed with. Similarly, it is stated that since the petitioner was a casual worker, the provisions of Section 25-F did not apply to him and as such, the respondent was not required to comply with the said provisions of law at the time of termination of the services of the petitioner.

8. I have scrutinized the evidence of the parties, especially the evidence of the respondent- management which has been relied upon by it in respect of the allegations of the ticketless travelling for the period from 18-7-1971 to 19-11-1974 and have considered the pleas aforesaid which have been taken by the respondent in order to justify its stand to the effect that neither any enquiry was required to be held against the petitioner nor the respondent was required to comply with the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 and am clearly of the view that both the pleas aforesaid do not held good.

9. Coming to the first plea aforesaid to the effect that since C.C.S. (C.C.A) Rules, 1964 did not apply to the petitioner, the respondent was not required to hold any enqurey aganst the petitioner, it may be stated that such a plea is clearly against the rules of natural justice. No doubt, the rules which are applicable to regular government servants during the enquiry may not be applicable to the petitioner, but, the law requires that even in case of daily wages worker whenever the services of such worker are to be terminated on the basis of such allegations, the principles of natural justice must be complied with. Apparently, the natural justice requires that before terminating the services of the petitoner, he must have been afforded reasonable opportunity to defend himself in respect of the charges of ticketless travelling. The record of the case would go to showe that whatsoever evidence the respondent has led in respect of the allegations of ticketless travelling including the evidence which has now been led after the case was sent by the Hon'ble High Court for fresh decision, the same is totally insufficient to conclude that the petitioner was actually involved in ticketless travlling case because neither the petitioner was given an opportunity to explain his conduct in respect of the said allegations nor any enquiry was held against him. Though the representative of the respondent has stated that there had been ten ticketless travelling cases against the petitioner during the period, in question, but, he has fairly conceded that in none of these cases, the petitioner had admitted that he was guilty of carrying the passengers without tickets. However, he has highlighed one case of recovery of Rs. 758.65 paise, which amount was recovered from the petitioner on account of audit objection and that too afier the petitioner had been terminated. This amount was recovered from the arrear of wages of the petitioner when he had come to recover the arrear of his wages same after his termination. I have minutely gone through the entire documentary evidence of the respondent, which consists of Ex. R-1 t o Ex.R 68 and have found that the documents Ex-R-1 to Ex-R.42 relate to the previous period of employment of the petitioner which in not, in question. However, Ex. R-43 to Ex.R.68 pertain to the period in question. The perusal of the contents of these documents would go to show that though there had been allegations against the petitioner that he had been carrying passengers without tickets, but, it remain a fact that except in two cases, where the statements of the petitioner were recorded, the petitioner was not confronted with the said allegations because there is nothing on record to show that the petitioner was called upon to show cause as to why he had been carrying passengers without tickets. Even, in these two cases, where his statements were recorded, the petitioner had denied the allegations of ticketless travelling cases. Therefore, it remains a fact that the petitioner had never admitted the allegations to the effect that he had carried the passengers without tickets. Thus, without admission of any allegations, there was no ground for imposing penalty of termination on him and that too without holding any enquiry which clearly amounts to violation of principals of natural justice. Therefore, it can safely be held that not even a single case of ticketless travelling had been proved against the petitioner on the basis of which he could have been terminated nor the respondent has been able to prove any such single case in this Court on the basis of its evidence because Ex.R-42 to Ex.R-68 have simply been led in evidence and authors of these documents have not been examined. As regards the recovery of Rs.758.65 paise, this has been made after the termination of the petitioner and that too on the basis of an audit objection and it was never alleged against the petitioner before [his termination that he had embezzled the said amount. As such, this recovery has hardly any relevance as a case of ticketless travelling. On the other hand, the petitioner has categorically denied the allegations mentioned in these documents. In fact, it was incumbent upon the respondent Himachal Road Transport Corporation to have led specific evidence to promve these allegations of ticketless travelling especially when specific opportunity was given to it, in this court. But, respondent did not choose to do so. However, mere contents of Ex.R-43 to Ex.R-68 cannot be taken as sufficient and conclusive proof of the allegations of ticketless travelling unless the contents of these documents were proved by the persons who had prepared the sume and had detected the ticketless travelling cases. Evidently Himachal Road Transport Corporation has not examined even a single witness to prove at least one case of ticketless travelling which would have justified its stand to the effect that the petitioner was actually guilty of carrying passengers without tickets.

9. Therefore, the sum and substance of the aforesaid evidence on record is that the respondent has miserably failed to prove even a single case of ticketless travelling, against the petitioner, in this court when it was given specific opportuntiy in accordance with the order of the Hon'ble High Court, for doing so. Thus, the allegations that the petitioner was carrying passengers without tickets, are not proved and as such, the termination of the petitioner is not justified in the eye of law. As regards the non compliance of Section 25-F of the Industrial Disputes Act, 1947, the plea of the respondent that the petitioner was a casual worker is not tenable because during the period, in question, *i.e.* after his reemployment till the date of his termination, the petitioner had worked for more then 240 days and as such, be had acquired the status of regular worker. Thus, the petitioner was entitled to the benefit of Section 25-F of the Industrial Disputes Act, 1947. There is no denying the fact that the said provisions of law are mandatory and non-compliance there of would render the termination illegal. Admittedly, the respondent has not complied with the said provisions of law on the ground that the same did not apply to the petitioner, because he was a casual worker. Therefore, I am of the view that the termination of the petitioner is illegal and unjustified. Thus, after examining the case of the petitioner from both the angles mentioned above, it can be held that the termination of the petitioner is illegal and unjustified and the petitioner is entitled to re-instatement Accordingly, I hold that the respondent has failed to prove that the termination of the petitioner is legal. As such, this issue is decided in favour of the petitioner and against the respondent.

RELIEF

9. Keeping my findings on the aforesaid issue in view, I hold that the termination of the petitioner is illegal and unjustified and as such, the same is set-aside and the petitioner is ordered to be re-instated as daily wages Cleaner-*cum*-Conductor *w.e.f.* from the date of his termination. However, there is no justification for payment of back wages to the petitioner because for complete 14 years, the petitioner had been sleeping over his rights and had raised the dispute, in question, only in 1988. Thus, this re-instatement would be without any back wages. As such, the reference is answered in favour of the petitioner and same stands disposed of. A copy of this award be sent to the Government of

Himachal Pradesh, Shimla-171002, for its due publication in the H. P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 22nd May, 1995 in the presence of the parties.

Seal. B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Reference No. 99 of 1992

Instituted on 5-12-1992

Decided on 22-5-1995

Shri Bam Dev. *Petitioner.*

Versus

1. The State Handicrafts and Handloom Corporation through its Managing Director, with headquarters at Shimla.
2. The Managar, Wood Working Centre, Paonta Sahib, District Sirmaur ..*Respondents.*

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner: Shri A. K. Gupta, Advocate.

For respondent: Shri Vinod Sharma, Advocate.

AWARD

Through this reference, the State Government has referred the dispute regarding the termination of Shri Bam Dev, hereinafter referred to as 'petitioner' for determination by this Court.

2. The case of the petitioner is that he was employed by the H.P. State Handicrafts and Handloom Corporation, hereinafter referred to as 'respondent' in 1974, as Master Craftsman and subsequently, on 1-5-1978, he was promoted as Assistant Handicrafts Organiser and thereafter, he worked as Assistant Handicrafts Organiser till 18-4-1991 when his services were terminated as a result of the enquiry which was held against him in respect of the charges of negligence and dereliction of duty. It is alleged that the enquiry was not held in a proper manner because the petitioner was not given reasonable opportunity to defend himself. It is further alleged that the petitioner had been charge sheeted for negligence on account of shortage of store articles worth Rs. 39,378.94 but, the recovery of the said amount had been effected from the petitioner before he was held guilty of the charge. Thus, it is alleged that the termination of the petitioner is illegal and the same be set-aside and the petitioner be re-instated with full back wages.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner on the ground that the enquiry had been held in a proper manner and the petitioner had admitted the charges in question, during the course of enquiry. Thus, it is stated that the termination of the petitioner is legal and justified.

4. On the pleadings of the parties, following issues were framed:—

(1) Whether the termination of the petitioner Shri Bam Dev is illegal and unjustified. If so, to what relief, the petitioner is entitled to ? OPP.

(2) Whether the recovery of Rs. 39,378.94 paise, which has been made from the petitioner is illegal and unjustified ? If so, to what relief and benefit the petitioner is entitled to ? OPP.

(3) Relief.

5. I have heard the learned advocates for the parties and have gone through the relevant record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

FINDINGS

Issue No. 1.—Yes, The penalty of termination is not justified.

Issue No. 2.—No

RELIEF.—Reference answered in favour of the petitioner to the extent that penalty of termination has been reduced to stoppage of three increments with cummulative effect.

REASONS FOR DECISION

6. *Issue No.* 1. During the course of arguments, the learned advocate for the petitioner has stated that in view of the fact that the petitioner had admitted the charge during the course of enquiry, he does not assail the findings of the Inquiry Officer the effect that the petitioner was guilty of negligence and dereliction of duty. However he has stated that since the amount of Rs. 39,378.94 has been recovered from the petitioner, the penalty of termination is not justified. Thus, he has stated that the penalty of termination be set-aside. On the other hand, the learned advocate for the respondent has stated that there is no justification for reduction of penalty, in question, and the same is justified. I have considered the said arguments and have scrutinized the evidence on record. There is no denying the fact that the petitioner had admitted the charge with respect to the shortage of store articles on the basis of which he was alleged to have been guilty of negligence and dereliction of duty. Not only this, the entire amount of the said shortage has since been recovered from him. Thus, after taking into consideration the entire facts and circumstances of the case, I am of the view that the penalty of termination does not appear to be justified. As such, by invoking the provisions of Section 11-A of the Industrial Disputes Act, 1947, the said penalty of termination is reduced to the stoppage of three increments with cummulative effect. Accordingly the penalty of termination is set-aside and the penalty of stoppage of three increments with cummulative effect is ordered to be imposed on the petitioner. As such, the petitioner is ordered to be re-instated with effect from the date of his termination. The period from the date of termination till the petitioner joins his duty, shall be treated as duty period and the petitioner will be entitled to all service benefits except the salary to which the petitioner will be entitled only to the extent of 75%. Accordingly, I hold that the petitioner has failed to prove this issue to the extent that his termination is illegal and unjustified. However, the penalty of termination is reduced to the stoppage of three increments with cummulative effect. Therefore, this issue is decided in favour of the petitioner to the extent mentioned above.

7. *Issue No.* 2.—Neither the learned advocate for the petitioner has pressed this issue during the course of arguments, nor there is any evidence on record to show that recovery of Rs. 39,378.94 paise is illegal. Thus, I hold that the petitioner has failed to prove this issue. As such, this issue is decided against the petitioner.

8. The learned advocate for the respondent has also argued that the petitioner does not fall within the definition of "workman", because he was holding Supervisory capacity. I have considered the said argument and have gone through the relevant record. There is no denying the fact that the petitioner was working as Assistant Handicrafts Organiser, but, the cross-examination of Shri Yashpal Sood (RW-3) would go to show that the petitioner did not discharge any supervisory functions,

Therefore, in the absence of any evidence, mere designation of the petitioner is not sufficient to hold that petitioner was holding supervisory capacity. Thus, I hold that the argument aforesaid of the learned advocate for the respondent does not have any force.

RELIEF

9. Keeping my findings on the aforesaid issues in view, I hold that the penalty of the termination is not justified and as such, the same is set-aside and penalty of stoppage of three increments with cummulative effect is ordered to be imposed. The petitioner shall stand re-instated *w.e.f.* the date he was terminated. The period from the date of his termination till he joins his duty, will be counted as duty period and will be taken as continuity of service. However, the petitioner will be entitled to 75% of wages for the said period and the terminal benefits which the petitioner has received shall be recoverable from him. As such, the reference is answered in favour of the petitioner and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2, for its due publication in the H. P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its compltion.

Announced in the presence of the parties today the 22nd May, 1995 in the open Court.

Seal.

B. S. CHOUHAN,
Presiding Officer,
Labour Court, H. P. Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla.

Reference No. 101 of 1991

Instituted on : 28-3-1991

Decided on : 23-5-1995

Shri Teja Singh ..*Petitioner.*

Versus

M/s Eicher Tractors Limited, Parwanoo, Himachal Pradesh. ..*Respondent.*

Reference under Section 7 of the Industrial Disputes Act, 1947.

For petitioner : Shri Dalip Nandi, AR.

For respondent: Shri V. K. Gupta, AR.

AWARD

Through this reference, the state Government has referred the dispute regarding the reversion of Shri Teja Singh, hereinafter, referred to as ' petitioner', for determination by this Court.

2. The case of the petitioner is that he was employed by M/s Eicher Tractors Ltd. , Parwanoo, hereinafter, referred to as 'respondent', as W-II grade Operator on 5-5-1987. Subsequently, he was charge-sheeted on 20-8-1989 for wilful insubordination and disobedience on account of his misbehaviour and also for being habitually negligent. Subsequently, an enquiry was held against him and he was found guilty and penalty of reduction in rank, thereby reducing him to the rank of W-II helper from the rank of W-III operator, was imposed upon him. However, subsequently, after a spell of about twelve days, from the date of imposing such penalty, the petitioner was made junior Operator in W-II grade. The petitioner has alleged that enquiry against him has not been conducted in a fair and proper manner and he has been victimized because of his union activities. It is also stated that no show cause notice was issued to him before the penalty, in question, was imposed upon him nor any copy of the enquiry report was supplied to him. It is further stated that on his first appointment the petitioner was appointed as Operator in W-III grade and as such, be never held W-II Junior Operator post. Thus, it is stated that the petitioner could not have been reverted to W-II grade and as such, his reversion is illegal and the same be set-aside and he be re-instated to W-III grade.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner on the ground that the enquiry was held against the petitioner in a proper manner. Apart from this, a legal objection has been taken to the effect that the present reference does not constitute Industrial Dispute within the meaning of Section 2(K) of the Industrial Disputes Act, 1947 and as such, the reference is not maintainable. However, it is not disputed that on his first appointment, the petitioner was appointed as Operator in W-III and he did not hold the post of W-II Junior Operator at any time.

4. On the aforesaid pleadings of the parties, my learned predecessor had framed the following issues:—

1. Whether the petitioner has been demoted illegally and unjustifiably by the respondents from the post of Operator Grade-III to Operator Grade-II *w.e.f.* 17-8-1990, as alleged ? OPP.

2. Whether the matter is not covered under section 2(a) or 2(k) of the Act, as alleged and as such the reference is not maintainable ? OPR.

3. Relief

5. I have heard the representatives of the parties and have gone through the relevant record. For the reasons to be recorded hereinafier my findings on the aforesaid issues are as under:—

FINDINGS

Issue No. 1. Yes

Issue No. 2. No.

RELIEF: Reference answered in favour of the petitioner.

REASONS FOR DECISION

6. *Issue No.* 1.—There is no denying the fact that in this case, the petitioner was appointed directly as a Operator in W-III grade and he never held the post of Junior Operator in W-II grade. In " HUSAIN SASAN SAHIB HALABGI *Versus* STATE OF MAHARASHTRA, LLJ. VOL-II-1987-506", SUPREME COURT has held that a direct recruit to a post, cannot be reverted to a lower post, and it is only a promotee, who can be reverted from the promotion post to the lower post from which he was promoted. Evidently, in view of the said proposition of law, the petitioner could not have been reverted by way of penalty from W-III grade to W-II grade because he never held the post of W-II grade Junior Operator.

7. As regards the allegations of the petitioner that the enquiry was not held in a proper manner, no doubt, the respondent has placed on record, the record of the enquiry, but, it remains a fact that the Inquiry Officer has not been examined so as to show that the enquiry was held in a fair and proper manner. The evidence on record would go to show that the petitioner had attended the enquiry proceedings, on a few hearings, but, subsequently he had not attended the same and thereafter, the enquiry was held *ex parte.* The allegations of the petitioner are that the Inquiry Officer was biased against him and as such, there was no use in attending the enquiry proceedings especially, when his request for changing the Inquiry Officer had been arbitrarily turned down by the General Manager and subsequently, no decision was

taken on his represention by the Managing Director to whom he had represented against the order of the General Manager, *vide* which General Manager had declined to change the Inquiry Officer. The AR of the respondent has not denied the fact that initially the petitioner had attended the enquiry proceedings and thereafter, he had left the enquiry and the remaining enquiry was held *ex parte* against the petitioner. Therefore, keeping in view the said facts and circumstances of the case, it was incumbent upon the respondent to examine the Inquiry Officer so as to prove that the enquiry was held in a proper manner. Not only this, non-examination of the Inquiry Officer by the respondent was deprived the petitioner of his right to cross-examinee the Inquiry Officer so as to show that the enquiry has not been held in a proper manner. Further, even the record of the enquiry has not been exihibited in a proper manner and only the entire enquiry file has been placed on record. Therefore, in the absence of any proper proof with respect to the said enquiry, it is difficult to hold on the basis of the record of the enquiry that the same was conducted in a fair and proper manner. Therefore, I am of the view that the respondent has failed to prove that the enquiry was held in a fair and proper manner.

8. Therefore, on the basis of the discussion aforesaid, it can be held that reversion of the petitioner from W-III operator to W-II Junior Operator is illegal and unjustified. As such, the petitioner has proved this issue. Accordingly, this issue is decided in favour of the petitioner.

9. *Issue No.* 2.—The representative of the respondent has argued that the present reference is not covered under Section 2(k) of the Industrial Disputes Act, 1947 because it has not been espoused by the union of the workers. On the other hand, the AR of the petitioner has stated that the dispute, in question, had initially been espoused by the union of the workers and it is only at the time of making the reference that the name of the union was not mentioned in the terms of reference. In support of his arguments, he has referred to three documents. The first is Ex. P-2 which is a copy of the demand notice dated 4-9-1990, in which the present dispute was raised by the General Secretary of the Eicher Workers Union and a copy of this letter was also sent to the Labour Officer concerned and the Labour Commissioner, H. P. He has also referred to Ex. P-1, which is a copy of reminder dated 8-10-1990. This reminder was sent in relation to the previous notice in which the demand regarding the present dispute had been raised. Lastly, he has referred to Ex. P-3 which is a copy of letter dated 29-10-1990 of the Labour Officer, Solan *vide* which he had summoned the Managing Director of the respondent company and also the General Secretary of the Eicher Workers Union for conciliation proceedings in respect of the present dispute as a result of the demand notice aforesaid. Thus, the AR of the petitioner has stated that the dispute was initially raised on the basis of these documents and subsequently, the conciliation was also held as a result of the said demand notice and the present reference is thus, the result of this demand notice. Thus, he has stated that the dispute, in question, is fully covered under section 2(k) of the Industrial Disputes Act, 1947. However, representative of the respondent has stated that in the reference, the name of the union is not mentioned and only the name of the petit oner Shri Teja Singh is mentioned. I have considered the arguments of the parties representatives and have gone through the evidence aforesaid and also the contents of the reference. It is a fact that the name of the union is not mentioned in the reference and only the name of the petitioner is mentioned. However, if the reference is looked in to in the light of the aforesaid evidence which has been adduced by the petitioner, then it can be inferred that non-mentioning of the name of the Union could be a clerical mistake, otherwise, initially the evidence aforesaid is quite clinching to the effect that the dispute, in question, was espoused by the Union. Therefore, it would not be correct to say that the dispute, in question, has not been espoused by the Union, especially when the petitioner has led specific evidence to show that the present dispute had been raised by the union through a demand notice. Thus non-mentioning of name of the union in the reference in question, cannot be construed to mean that the reference is illegal. As such, I hold that the present dispute is covered under Section 2(*k*) of the Industrial Disputes Act, 1947. Thus, the respondent has failed to prove this issue. accordingly this issue is decided against the respondent.

RELIEF

10. Keeping my findings on the aforesaid issues in view, I hold that the penalty of reduction in rank passed against the petitioner Shri Teja Singh hereby reducing his rank from W-III Operator to W-II grade Junior Operator, is illegal and unjustified and as such, the same is set-aside and the petitioner is ordered to be re-instated to the status of W-III grade Operator from the date of his reversion *i. e. w.e.f.* 17-8-1990. The petitioner will be entitled to all benefits of W-III Operator grade *w.e.f.* 17-8-1990 onwards including the seniority etc. As such, the reference is answered in favour of the petitioner and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its publication in the H. P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 23rd May, 1995 in the presence of the parties.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chouhan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla.

Reference No. 87 of 1992

Instituted on 14-11-1992.

Decided on 6-6-1995.

S/Shri Jagmohan Singh, Karnail Singh, Hans Raj and Ram Singh ..*Petitioners.*

Versus

Manag'ng Director, M/s International Cylinder, Pvt. Ltd., Gondpur, Paonta-Sahib, District Sirmaur ..*Respondent.*

Reference under Section 10 of the Industrial Dispute Act, 1947.

For petitioners: A.K.Gupta, Advocate.

For respondent: Sh. N. K. Gupta, Advocate.

AWARD

Through this reference, the State Government has referred the dispute regarding the termination of S/Shri Jagmohan Singh, Karnail Singh, Hans Raj and Ram Singh hereinafter referred to as 'petitioners' for determination by this Court.

2. The case of the petitioners in that they have been terminated by the Managing Director, M/s International Cylinder Pvt. Ltd. Gondpur, Paonta-Sahib, hereinafter referred to as 'respondent' in violation of he provisions of the Industrial Disputes Act, 1947. Thus, it is stated that the termination of the petitioners is illegal and the same be set-aside and they be re-instated with full back wages.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioners on the ground that the petitioners had not worked for 240 days dur ng the period, in question, and as such, they are not entitled to any relief.

4. On the aforesaid pleadings of the parties, the following issues were framed:—

1. Whether the terminations of services of the petitioners S/Shri Jagmohan Singh, Jarnail Singh, Hans Raj and Ram Singh are illegal and unjustified? If so, to what relief the each of the petitioners is entitled to? OPP.

2. Relief.

4. I have heard the learned advocates for the parties and have gone through the relevant record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

FINDINGS :

Issue No. 1 — No.
Relief — Reference answered against the petitioners.

REASONS FOR DECISION :

6. The petitioners have not led any evidence in support of their claim to the effect that they have been terminated illegally by the resopondent. On the other hand, the respondent has placed on record Ex. R-1, which is a copy of the statement of employment of the petitioners. The perusal of the contents of this document would go to show that all the petitioners were employed on 1-7-1991 and they were retrenched on 14-12-1991. Th contents of this document have not been disputed by the learned advocate for the petitioners. Therefore, it becomes clear from the contents of this document that none of the petitioners has worked for 240 days during the period of his total emp'oyment. In order to invoke the provisions of Section 25-F of the Industrial Disputes Act, 1947 which deals with the retrenchment cases like the present one, the aggrieved workman has to prove that he had worked for 240 days within the calendar year preceding the date of his retrenchment. Apparently, in the case in hand, all the petitioners have failed to prove that they had worked for 240 days during the perio', in question. As such, I hold that the petitioners are not entitled to the protection of Section 25-F of the Industrial Disputes Act, 1947. Therefore, the respondent was not required to comply with the provisions of Section 25-F of the Industrial Disputes Act, 1947 whi e dispensing with the services of the petitioners. Thus, the petitioners have failed to prove this issue. Accordingly, this issue is decided against the petitioners.

RELIEF :

7. Keeping my findings on the aforesaid issue in view, I hold that the petitioners are not entitled to any rel ef. As such, the reference is decided against the petitioners and same stands disposed of. A copy of this award be sent o the Government of Himachal Pradesh, Shimla-2, for its due publication in the H.P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. This be consigned to record room after its completion.

Announced in the Open Court today the 6th June, 1995 in the presence of the parties

B. S. CHOUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

विद्युत विभाग

अधिसूचना

शिमला-2, 9 अगस्त, 1995

संख्या विद्युत-ब(5)6/95.—यत: राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड को कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0सी0) के अधीनस्थ सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामत: ग्राम फाटी मनीकरण में मौजा कनावर में पार्वती परियोजना के सड़क निर्माण हेतु भूमि अर्जन करना अपेक्षित है, अतएव एतद्द्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि नीचे विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है ।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं को जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है ।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके को किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उन द्वारा अपेक्षित अथवा अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं ।

4. कोई भी ऐसा हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, हि0 प्र0 राज्य विद्युत बोर्ड के समक्ष अपनी आपत्ति दायर कर सकता है ।

विवरणी

जिला : कुल्लू — तहसील : कुल्लू

ग्राम	खसरा नं0	क्षेत्र (बीघा में)		
फाटी मनीकरण	3736/1	0	04	00
मौजा कनावर	3737/1	0	04	00
	3738/1	0	08	00
	3739/1	0	01	00
	3744/1	0	01	00
	3745/1	0	15	00
	3748/1	0	14	00
	3759/1	0	16	00
	3760/1	0	09	00
	3761/1	0	11	00
	3762/1	0	10	00
	4326/3	0	00	07
	4326/1	0	07	00
	4362	1	05	00
	5302/1	0	03	00
	5303/1	0	04	00
	5313/1	0	03	00
	25/1	0	01	00
	298/1	0	01	00
	304/1	0	01	00
कित्ता ..	20	7	03	07

आदेशानुसार,

ए0 के0 गोस्वामी,
वित्तायुक्त एवं सचिव ।

लोक निर्माण विभाग

अधिसूचना

शिमला-2, 7 अगस्त, 1995

संख्या लो0 नि0 (ख)7(1)-163/95.—यत: हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामत: गांव टीहरा, तहसील मुजानपुर, जिला हमीरपुर में मुजानपुर-चौरा-नगदेवी-उड्डल सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद्द्वारा यह अधिसूचित

किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों श्रौर श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करन तथा उस द्वारा द्वारा अपेक्षित या अनुमत अन्य सभी कार्यों का करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस (30) दिनकी अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, लो0 नि0 वि0, हमीरपुर के समक्ष अपनी आपत्ति दायर कर सकता है।

विवरणी

जिला : हमीरपुर तहसील : सुजानपुर

गांव	खसरा नं0	क्षेत्र बीघा	क्षेत्र बिस्वे
1	2	3	4
टीहरा	258/1	0	06
	260/1	5	03
	261/1	1	01
	274/1	2	00
	287/1	1	07
	289/1	2	08
	310/1	2	02
	312/1	5	04
कित्ता ..	8	19	11

शिमला-2, 7 अगस्त, 1995

संख्या लो0नि0 (ख)7(1) 152/95.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव मरयोग, तहसील पच्छाद, जिला सिरमौर में नारग-मरयोग सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद्द्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने और उस द्वारा द्वारा अपेक्षित या अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन करने पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस (30) दिन की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, लोक निर्माण विभाग, सोलन के समक्ष अपनी आपत्ति दायर कर सकता है।

विवरणी

जिला : सिरमौर तहसील : पच्छाद

गांव	खसरा नं0	क्षेत्र बीघे	क्षेत्र बिस्वे
1	2	3	4
मरयाग	61/1	0	04
	34/1	0	01
	35/1	0	03
	27/1	0	03
	27/2	0	02
	27/3	0	01
	250/37/1	0	09
	250/37/2	0	03
	248/37/1	0	01
	19/1	0	05
	238/20/1	0	15
	237/20/1	0	00
		बिस्वांसी	08
	241/21/1	0	07
	244/22/1	0	08
	247/23/1	0	05
	28/1	0	03
	235/18/1	0	13
	16/1	0	02
	257/66/1	0	06
	258/66	0	04
	266/78	0	02
	267/78/1	0	07
	263/77	0	04
	262/77/1	0	05
	271/81	0	03
	272/81/1	0	04
	274/82	0	01
	275/82/1	0	03
	277/83/1	0	00
		बिस्वांसी	06
	278/83/1	0	09
	281/84/1	0	03
	60/1	0	11
कित्ता ..	32	7	07
		बिस्वांसी	14

शिमला-2, 7 अगस्त, 1995

संख्या लो0नि0 (ख) 7(1)-24/94.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव कामली, तहसील कसौली, जिला सोलन में कौशल्या पुल के लिए लिंक मार्ग के निर्माण हेतु भूमि ली जानी अपेक्षित है अतएव एतद्द्वारा यह घोषित किया जाता है कि नीचे विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के अधीन भू-अर्जन समाहर्ता, लोक निर्माण विभाग, सोलन को उक्त भूमि के अर्जन करने के आदेश लेने का एतद्द्वारा निदेश दिया जाता है।

3. भूमि का रेखांक, भू-अर्जन समाहर्ता, लोक निर्माण विभाग के कार्यालय में निरीक्षण किया जा सकता है ।

विवरणी

जिला : सोलन तहसील : कसौली

गांव	खसरा नं0 सार्विक	खसरा नं0 हाल	क्षेत्र बीघा बिस्वा मीट्रिक इकाई में		
1	2	3	4	5	6
कामली	31/1	306	0	02	01
	32/1	000	0	00	00
	33/1	000	0	00	00
	34/2/1	305	0	00	24
	223/27	354	0	02	00
	224/27/2	319	0	04	13
	224/27/1	355	0	00	55
	224/27	323/1	0	00	16
	225/178/116/2	318	0	03	48
	225/178/116/1	352	0	04	91
	225/178/116/1	351/1	0	00	17
कित्ता ..	9		0	17	65

आदेश द्वारा,

पी0 एम0 राणा,
सचिव ।

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि ।

-शून्य-

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनेन्शियल कमिश्नर तथा कमिश्नर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि ।

कृषि विभाग

अधिसूचनाएं

शिमला-171 002, 27 अप्रैल, 1995

संख्या कृषि-बी-3(22)/77.—राज्यपाल, हिमाचल प्रदेश, श्री श्याम लाल त्यागी, उप-निदेशक (कृषि) कण्डी परियोजना, हिमाचल प्रदेश की अधिवर्षिता आयु (Age of Superannuation) प्राप्ति पर दिनांक 31-7-1995 (अपराह्न) से सेवा निवृत्ति के सहर्ष आदेश प्रदान करते हैं ।

Shimla-171 002, *the 5th May*, 1995

No. Agr. B-2(10)/87.—The Governor, Himachal Pradesh, on the recommendations of the Departmental Promotion Committee, is pleased to promote Shri Sukhbir Singh, Joint Director of Agriculture, Classs-I (Gazetted), as Additional Director of Agriculture. Class-I (Gazetted) in the pay scale of Rs. 4500—6100 on temporary basis in the Department of Agriculture with immediate effect.

Shimla-171 002, *the 16th May*, 1995

No. Agr. B-3 (5)/91.—The Governor, Himachal Pradesh, is pleased to order transfer of Shri J. S. Verma, Assistant Agriculture Marketing Officer, Directorate of Agriculture, Shimla and post him Assistant Seed Production Officer at Dhaulakuan, District Sirmaur (H.P.) on request against a vacant post with immediate effect.

Shimla-171 002 *the 26th May*, 1995

No. AGR-B (1)-1/94.—The Governor, Himachal Pradesh, is pleased to place the services of Shri Ram Kumar, Agriculture Development Officer in the Office of the Deputy Director of Agriculture, Una at the disposal of Superintending Engineer Irrigation and Public Health Una, Himachal Pradesh under the Command Area Programme for a period of one year on usual terms and conditions. Terms and conditions of deputation are being issued separately.

Shimla-171 002, *the 8th June*, 1995

No. Agr. B-5 (1)/90.—The Governor, Himachal Pradesh, is pleased to order the transfer of following Agriculture Development Officers in public interest with immediate effect :—

Sl. No.	Name & Designation	From	To
1.	Shri B. R. Sharma, A.D.O.	Seed Multiplication Farm Auhar, Bilaspur, District Bilaspur (H.P.)	Office of the Dy. Director of Agriculture Chamba against a vacant post.
2.	Shri Kuldeep Singh, A.D.O.	Under tranfer from Hamirpur to Chamba.	Seed Multiplication Farm Auhar, Dist. Bilaspur, H.P. *vice* Shri B. R. Sharma, transferred.

Shimla-171 002, *the 9th June*, 1995

No. Agr. B-5 (1)/88.—The Governor, Himachal Pradesh, is pleased to order the transfer and posting of following Agriculture Development Officers in public interest with immediate effect :—

S. No.	Name & Designation	From	To
1.	Shri R. S. Kanwar, A.D.O.	Dhameta Development Block, Nagrota Surian, District Kangra.	Banikhet (Soil Conservation) Distt. Chamba, *vice* Shri Devinder Singh transferred.
2.	Shri Devinder Singh, A.D.O.	Banikhet (Soil Conservation) District Chamba.	Dhameta Development Block Nagrota Surian, Distt. Kangra.

Shimla-2, *the 15th June*, 1995

No. Agr. B-3(5)/91.—The Governor, Himachal Pradesh, is pleased to order the transfer of Shri Shyam Singh District Agriculture Officer, Bilaspur and post him as such at Solan, District Solan (H.P.) against vacant post in public interest with immediate effect.

Shimla-2 the 11th July, 1995

No. Agr.-F-8 (1)/93-II.—In continuation of this Department Notification of even number, dated 31-5-95 regarding constitution of Evaluation Team for Himachal Pradesh Krishi Vishwa Vidyalaya, Palampur, the Governor of Himachal Pradesh is pelased to no ninate the following non-official members on the said Evaluation Team:—

REPRESENTATIVES OF FARMERS

1. Shri Kamlesh Datt, V. & P.O. Harer, Teh. Baijnath, District Kangra, Himachal Pradesh.
2. Shri Ashok Thakur, V. & P.O. Katora, Teh. Tawali, District Kangra, Himachal Pradesh.

The TA/DA of non-official members shall be notified separately.

Shimla-2, the 11th July, 1995

No. Agr.-F-8 (1)/93-II.—In continuation of this Department Notification of even number, dated 31-5-95 regarding constitution of Evaluation Team for University of Horticulture and Forestry, Nauni, District Solan, Himachal Pradesh, the Governor of Himachal Pradech is pleased to nominate the following non-official members on the said Evaluation Team:—

REPRESENTATIVE OF FRUIT GROWERS

1. Shri Geeta Ram Sharma, Village Salana, P. O. Chhausa, Tehsil Kandaghat, District Solan, Himachal Pradesh.
2. Shri Lekh Raj Chauhan, V.P.O. Shrontha, Tehsil Rohroo, District Shimla, Himachal Pradesh.

The TA/DA of the non-official members shall be notified separately.

Shimla-2, the 12th July, 1995

No. Agr. A-1 (1)/94.—Consequent upon the creation of a Zonal Office of Agriculture Department at Dharamshala *vide* this Department Notification No.Agr.-A-(1)/94, dated the 14th June, 1995, the Governor, Himachal Pradesh, is pleased to order the transfer of the following Officers of the Agriculture Department alongwith posts with immediate effect in public interest:—

Sl. No.	Name of the Officers	From	To
1.	Sh. Sukhbir Singh, Additional Director of Agriculture.	Additional Director of Agriculture, Headquarter Shimla.	Zonal Office, Dharamshala.
2.	Sh. B C. Negi, Senior Subject Matter Specialist (Agronomy).	Director of Agriculture, Shimla.	Zonal Office, Dharamshala.
3.	Sh. Jagmegh Singh, District Agriculture Officer.	Dharamshala	Office of the Deputy Director of Agriculture, Palampur.
4.	Sh. R. K. Sharma Supdt. Grade-I.	Director of Agriculture, Shimla.	Zonal Office, Dharamshala.

2. All the above officers shall move to their place of postings at once.

Shimla-2, the 18th July, 1995

No. Agr.-A-4 (1)/83-Loose.—Whereas the Himachal Pradesh Marketing Board, Shimla constituted Market Committee, Solan *vide* Notification No.HMB/6-24/95-III, dated 28-6-1995 in exercise of powers conferred under sub-section 2 of Section 10 of Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No.9 of 1970);

And whereas it has been found that the above said Market Committee was not constituted in accordance with the provision of section 10 (3) (*b*) of the Act *ibid*;

Now, in exercise of powers vested in the Government *vide* section 39 of the act *ibid*, the Governor, Himachal Pradesh, is pleased to reverse the above said Notification *vide* which the Market Committee, Solan was constituted by the Himachal Pradesh Marketing Board and send back the case to the Himachal Pradesh Marketing Board to constitute the Committee afresh.

शिमला-171 002, 19 जुलाई, 1995

संख्या कृषि-बी-2(3)/87.—राज्यपाल, हिमाचल प्रदेश, श्री ओ०सी० सूद, प्रशासनिक अधिकारी, कृषि निदेशालय, शिमला की अधिवर्षिता आयु (Age of Superannuation) प्राप्ति पर दिनांक 31-12-1995 (अपराह्न) से सेवा निवृत्ति के सहर्ष आदेश जारी करते हैं।

Shimla-2, the 19th July, 1995

No. Agr.-B (2)/95-I.—The Governor, Himachal Pradesh is pleased to order the repatriation of following Agriculture Development Officers from deputation with Himachal Pradesh Seed Certification Agency to their parent department *i.e.* Agriculture Department with immediate effect:—

Sl. No. *Name and Designation*

1. Shri Chiranji Lal, A.D.O.
2. Shri Divesh Kumar Dhiman, A.D.O.

2. On repatriation, the Governor is further pleased to post these Agriculture Development Officers at places shown against their names:—

Sl. No.	Name and Designation	place of Posting
1.	Sh. Chiranji Lal, A.D.O.	Office of the Soil Conservation Section Tissa, Distt. Chamba against a vacant post.
2.	Sh. Divesh Kumar Dhiman, A.D.O.	Office of the Soil Conservation Section Chopal, Distt. Shimla against a vacant post.

Shimla-2, the 19th July, 1995

No. Agr.-B (2)-2/95-I.—The Governor, Himachal Pradesh, is pleased to place the services of the following Agriculture Development Officers, Department of Agriculture at the disposal of Himachal Pradesh Seed Certification Agency, on deputation for a period of one year in the first instance, in public interest, on usual terms and conditions with immediate effect:—

Sl. No. *Name and Designation*

1. Shri Nanak Chand Saklani, A.D.O.
2. Shri Prem Lal, A.D.O.

Detailed terms and conditions are being issued separately.

शिमला-2, 22 जुलाई, 1995

संख्या एग्र०-बी०-3(15)/77-II.—राज्यपाल, हिमाचल प्रदेश, श्री जगमेघ सिंह, जिला कृषि अधिकारी, धर्मशाला (हि० प्र०) की

अधिवर्षिता आयु (Age of superannuation) प्राप्ति पर दिनांक 31-7-1996 (अपराह्न) से सेवा निवृत्ति के सहर्ष आदेश जारी करते हैं ।

शिमला-171 002, 25 जुलाई, 1995

संख्या कार्मि-बी-3(8)/76-भाग-II -राज्यपाल, हिमाचल प्रदेश, श्री जोगिन्दर पाल सिंह, प्रभागाधीन, कृषि विस्तार प्रशिक्षण केन्द्र, ढलोबरा, जिला शिमला (हि० प्र०) को अधिवर्षिता आयु (Age of Superannuation) प्राप्ति पर दिनांक 31-7-1996 (अपराह्न) से सेवा निवृत्ति के सहर्ष आदेश जारी करते हैं ।

Shimla-171002, the 29th July, 1995

No. Agri-4(2)/95.—The Governor, Himachal Pradesh is pleased to order transfers and postings of the following Agriculture Development Officers in public interest with immediate effect :

Sl. No.	Name and Designation	From	To
1	2	3	4
1.	Shri Dalip Singh Kapoor	Bharmour	Development Block Shillai District Sirmour (H.P.).
2.	Shri Jeet Singh	T&E Bharmaur.	Development Block Bharmour, District Chamba (H. P.).
3.	Shri Kulwant Singh	Reckong Peo	Development Block Dharampur, Mandi. (H. P.).
4.	Shri Chander Sheel	Dharampur (Mandi).	Reckong Peo *vice* Shri Kulwant Singh.
5.	Shri Pitti Ram Negi	Kinnaur at Nichar.	Office of the Asstt. Soil Conservation Officer, Rampur against a vacant post.
6.	Shri Devi Singh	T&E Pooh	Kinnaur at Nichar.
7.	Shri Gian Chand	Pangi	Development Block Dohra.
8.	Shri Ram Singh	Dehra	Pargi.

Officers transferred from Non-tribal/hard areas shall move to their new place of posting immediately without waiting for their substitutes.

By order,

Sd/-
Agriculture Production Commissioner.

उद्यान विभाग

अधिसूचना

शिमला, 24 फरवरी, 1995

संख्या उद्यान-ख (15)-9/92-सूज.—राज्यपाल, हिमाचल प्रदेश, संयुक्त निदेशक उद्यान (टी०एण्ड०ई०) के पद का कार्यभार श्री पी०सी० पंवर, वरिष्ठ विषय वस्तु विशेषज्ञ (उद्यान) शिमला को अपने पदभार के अतिरिक्त, आगामी आदेशों तक अस्थाई तौर पर देखभाल करने के आदेश देते हैं ।

उपरोक्त व्यवस्था से श्री पी० सी० पंवर को कोई आर्थिक, वरिष्ठता तथा निरन्तरीकरण का कोई अधिकार नहीं होगा ।

आदेश द्वारा,

हस्ताक्षरित/-
वित्तायुक्त (विकास) एवम्
कृषि उत्पादन आयुक्त ।

भाग 4—स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग ।

-शून्य-

भाग 5—व्यक्तिक अधिसूचनाएं और विज्ञापन

बअदालत श्री नेत्र सिंह जसवाल, सहायक समाहर्ता, प्रथम श्रेणी, पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश

श्री माधो राम बनाम महताब सिंह ।

मुकद्दमा तकसीम खाता नं० 73, खतौनी नं० 121, 122, 123, खसरा नं० 620, 623, 629, 473, 474, 624, किता 6, तादादी रकबा 0-52-28 हैक्टेयर, अनुसार जमाबन्दी साल 1987-88 स्थित महाल व मौजा बलोटा, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश ।

श्री माधो राम सुपुत्र श्री लखा सुपुत्र श्री फत्तू, निवासी महाल व मौजा बलोटा, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश ...वादी ।

बनाम

सर्वश्री: 1. महताब सिंह, 2. होशियार सिंह सुपुत्र श्री नगीरी सुपुत्र गैंडा, 3. धर्म सिंह सुपुत्र जान सिंह, 4. तारा चन्द सुपुत्र मन्त राम, 5. मूंका सुपुत्र लखा, 6. भरेवतू सुपुत्र महतू, 7. अमरो सुपुत्री महतू, 8. सीता राम, 9. शिव दयाल, 10 आत्मा राम सुपुत्रान श्री छांगा सुपुत्र जोडा, 11. श्रीमती कैलाशा सुपुत्री हजारू, 12. पुनी चन्द सुपुत्र नूजा, 13. भगवानू सुपुत्र राधा, निवासीगण महाल व मौजा बलोटा, तहसील पालमपुर, 14. प्रेमो, 15. जगीरी, 16. दीनू सुपुत्रान लखा, निवासीगण महाल व मौजा बलोटा, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश ...प्रतिवादी ।

उपरोक्त प्रतिवादीगण को बजरिया समन द्वारा इत्तलाह दी गई कि वह उपरोक्त मुकद्दमा की पैरवी हेतु हाजर अदालत आवें मगर समन हजा की तामील साधारण तरीका से न हो सकी ।

अतः बजरिया इश्तहार द्वारा उपरोक्त प्रतिवादीगण को सूचित किया जाता है कि वह दिनांक 5-9-1995 को प्रातः दस बजे यसालतन या वकालतन हाजर अदालत आकर पैरवी मुकद्दमा करें अन्यथा एकतरफा कार्यवाही अमल में लाई जावेगी ।

यह इश्तहार आज दिनांक 26-7-1995 को तुमारे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ ।

मोहर ।

नेत्र सिंह जसवाल,
सहायक समाहर्ता, प्रथम श्रेणी,
पालमपुर, जिला कांगड़ा ।

व अदालत श्री नेत्र सिंह जसवाल, सहायक समाहर्ता, प्रथम श्रेणी पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश

श्री माधो राम बनाम मूंका।

मुकद्दमा तकसीम खाता नं0 64, खतौनी नं0 113, 114, खसरा नं0 79, 276, 277, 279, 287, किला 5, तादादी रकबा 0-21-7 हैक्टेयर, अनुसार जमाबन्दी साल 1987-88, स्थित महाल घटियाड़ा, मौजा बलोटा, तहसील पालमपुर, जिला कांगड़ा।

श्री माधो राम सुपुत्र श्री लखा सुपुत्र श्री फतू, निवासी महाल बलोटा, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश ..वादी

बनाम

सर्वश्री: 1. मूंका राम सुपुत्र श्री लखा सुपुत्र फतू, 2. भगवान सुपुत्र रघा सुपुत्र आलगा, 3. भरेतू सुपुत्रश्री महतू, 4. श्रीमती अमरो सुपुत्री श्री महतू सुपुत्र श्री फतू, 5. हेम राज सुपुत्र खजाना, 6. हीरू, 7. टेक चन्द, 8. रंगालू, 9. उधो राम सुपुत्रान श्री हम राज 10. चूहा सुपुत्र देवा राम सुपुत्र नत्थू, 11. प्रोतम चन्द, 12. शान्त कुमार सुपुत्र व, 13. श्रीमती ललिता देवी, 14. श्रीमती रजिन्द्रा देवी, 15. श्रीमती सुदर्शना देवी, 16. श्रीमती श्यामा सुपुत्री श्री तुलसी राम, 17. विधि चन्द, 18. गंगा राम पुत्रान श्री रंगीला 19. श्रीमती प्रभू विधवा श्री सुदामा, 20. श्रीमती रिखू विधवा श्री घी राम, 21. दुर्गा दास सुपुत्र फतुरिया 22. श्रीमती गायत्री विधवा शिव राम, निवासीगण महाल घटियाड़ा, मौजा बलोटा, तहसील पालमपुर, 23. प्रेमू, 24. जगरो, 25. दीनू सुपुत्र श्री लखा, निवासी बलोटा, तहसील पालमपुर, जिला कांगड़ा ..प्रतिवादी।

उपरोक्त प्रतिवादीगण को बजरिया समन हाजा इत्तलाह दी गई कि वह उपरोक्त मुकद्दमा की पैरवी हेतु हाजर अदालत आवें अगर समन हजा की तामील साधारण तरीका से न हो सकी।

अतः बजरिया इश्तहार हाजा उपरोक्त प्रतिवादीगण को सूचित किया जाता है कि वह दिनांक 5-9-1995 को प्रातः 10.00 बजे अदालत या वकालतन हाजर अदालत आकर पैरवी मुकद्दमा करें अन्यथा प्रतिवादीगण के खिलाफ एकतरफा कार्यवाही अमल में लाई जावेगी।

यह इश्तहार आज दिनांक 26-7-1995 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर। नेत्र सिंह जसवाल,
सहायक समाहर्ता, प्रथम श्रेणी,
पालमपुर, जिला कांगड़ा,
हिमाचल प्रदेश।

व अदालत श्री नेत्र सिंह जसवाल, सहायक समाहर्ता, प्रथम श्रेणी पालमपुर, जिला कांगड़ा

मुकद्दमा तकसीम :

उत्तरा देवी बनाम प्यार चन्द आदि।

मुकद्दमा तकसीम भूमि खाता नं0 67, खतौनी नं0 179, 180, खसरा नं0 134, व 128, रकबा तादादी 0-09-30 है0 स्थित महाल लोहना, मौजा बन्दला, तहसील पालमपुर, जिला कांगड़ा।

1. उत्तरा देवी पत्नी श्री जोगिन्दर लाल, 2. श्रीमती सत्या देवी पत्नी श्री ओम प्रकाश, निवासी महाल लोहना, मौजा बन्दला, तहसील पालमपुर।

बनाम

1. श्री प्यार सिंह, 2. श्री विशन सिंह 3. श्री मेहर सिंह पुत्रान श्री दिवाना, 4. श्रीमती गुलखां देवी, 5. श्रीमती लतीरी देवी पुत्री श्री दिवाना, 6. श्रीमती मैनो देवी विधवा श्री दिवाना, 7. श्री जोरन पुत्र दयाल, निवासीगण महाल लोहना, मौजा बन्दला, तहसील पालमपुर, जिला कांगड़ा।

उपरोक्त प्रतिवादीगण को बजरिया समन हाजा इत्तलाह दी गई कि वह उपरोक्त मुकद्दमा की पैरवी हेतु हाजर अदालत आवें अगर समन हजा की तामील साधारण तरीका से न हो सकी।

अतः बजरिया इश्तहार हाजा उपरोक्त प्रतिवादीगण को सूचित किया जाता है कि वह दिनांक 18-9-1995 को प्रातः दस बजे अदालत या वकालतन हाजर अदालत आकर पैरवी मुकद्दमा करें। अन्यथा प्रतिवादीगण के खिलाफ एक तरफा कार्यवाही अमल में लाई जावेगी।

यह इश्तहार आज दिनांक 1-8-95 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर। नेत्र सिंह जसवाल,
सहायक समाहर्ता प्रथम श्रेणी,
पालमपुर, जिला कांगड़ा।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा (हि0 प्र0)

व मुकद्दमा :

श्री अनिल आचार्य

बनाम

आम जनता

दरख्वास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता।

श्री अनिल आचार्या ने इस अदालत में दरख्वास्त दी है कि उसकी पुत्री अनका आचार्या का जन्म पंचायत रजिस्टर में गलती से दर्ज नहीं करवाया गया है, अब दर्ज किया जाये। उसकी पुत्री की जन्म तिथि 9-10-1992 तथा बच्ची का जन्म हरिपुर गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 30-9-95 समय 10 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर आकर पेश करें अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 22-7-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि0 प्र0)।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा (हि0 प्र0)

व मुकद्दमा :

शिव नाथ सिंह पुत्र श्री देव राज सिंह

बनाम

आम जनता

दरख्वास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता।

श्री शिव नाथ सिंह ने इस अदालत में दरख्वास्त दी है कि उसके पुत्र रणजीत सिंह का जन्म पंचायत रजिस्टर में गलती से

दर्ज नहीं करवाया गया है, अब दर्ज किया जावे । इसके पुत्र रणजीत सिंह की जन्म तिथि 6-5-1989 है तथा बच्चे का जन्म गांव में हुआ है ।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 30-9-95 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर आकर पेश करें अन्यथा एक तरफा कार्यवाही अमल मे लाई जावेगी ।

आज दिनांक 4-8-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि0प्र0) ।

ब अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

ब मुकद्मा :

प्रीतम चन्द बनाम आम जनता

दरख्वास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु अधिनियम, 1969.

नोटिस बनाम जनता ।

श्री प्रीतम चन्द ने इस अदालत में दरख्वास्त दी है कि इसके पुत्र मनीश कुमार का जन्म पंचायत रजिस्टर में गलती से दर्ज नहीं करवाया गया है अब दर्ज किया जावे । इसके पुत्र की जन्म तिथि 30-9-1990 तथा बच्चे का जन्म ध्वाला गांव में हुआ है ।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 9-10-1995 समय 10 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर आकर पेश करें । अन्यथा यक तरफा कार्यवाही अमल में लाई जावेगी ।

आज दिनांक 25-7-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, तहसील देहरा, जिला कांगड़ा ।

ब अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

ब मुकद्मा :

Shri Sawroop Lal s/o Shri Amin Chand, resident of Village Ghiori, P.O. Ghiori, Tehsil Dehra, District Kangra, Himachal Pradesh.

बनाम

समस्त जनता

दरख्वास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता ।

श्री स्वरूप लाल ने इस अदालत में दरख्वास्त दी है कि इसके पुत्र श्री अमान चन्द का जन्म पंचायत रजिस्टर में गलती से दर्ज नहीं करवाया गया है । अब दर्ज किया जावे । इसके पुत्र की जन्म तिथि 1-4-1992 तथा बच्चे का जन्म घियोरी गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 9-10-1995 समय 10 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर आकर पेश करें। अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी ।

आज दिनांक 25-7-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, तहसील देहरा, जिला कांगड़ा ।

ब अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

ब मुकद्मा :

Shri Madan Lal s/o Shri Chandra Singh, resident of Village Bohan, P. O. Jawalamukhi, Tehsil Dehra, District Kangra, Himachal Pradesh.

बनाम

आम जनता

दरख्वास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता ।

श्री मदन लाल ने इस अदालत में दरख्वास्त दी है कि इसके पुत्र गनपत लाल का जन्म पंचायत रजिस्टर में गलती से दर्ज नहीं करवाया गया है । अब दर्ज किया जावे । इसके पुत्र की जन्म तिथि 9-8-1987 तथा बच्चे का जन्म बोहन ज्वालामुखी गांव में हुआ है ।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 9-10-1995 समय 10 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर आकर पेश करें । अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी ।

आज दिनांक 25-7-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, तहसील देहरा, जिला कांगड़ा ।

बअदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा (हि0 प्र0)

ब मुकद्मा श्री केवल वालिया

बनाम

आम जनता

दरख्वास्त जेर धारा 13 (3) जन्म तिथि एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता ।

श्री केवल वालिया ने इस अदालत में दरख्वास्त दी है कि इसके पुत्र, प्राचा वालिया का जन्म पंचायत राजस्टर में गलती से दर्ज न करवाया गया है । अब दर्ज किया जावे । इसके पुत्र,

प्राची वालिया की जन्म तिथि 9-4-1991 तथा बच्चे का जन्म गांव में हुआ है ।

अत : इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 30-9-95 समय 10 बजे प्रात: स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर आकर पेश करें अन्यथा एक तरफा कार्यवाई अमल में लाई जावेगी ।

आज दिनांक 21-7-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, तहसील देहरा, जिला कांगड़ा ।

व अदालत कार्यकारी दण्डाधिकारी, तहसील देहरा, जिला कांगड़ा हिमाचल प्रदेश

ब मुकद्दमा: शिव नाथ सिंह पुत्र श्री देव राज सिंह, राजगढ़ देहरा.

बनाम

आम जनता

दरखास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता ।

श्री शिव नाथ सिंह ने इस अदालत में दरख्वास्त दी है इसकी पुत्री नीलम का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है । अब दर्ज किया जावे । इसकी पुत्री नीलम की जन्म तिथि 11-11-1992 तथा बच्चे का जन्म एन0ए0 सी0 देहरा में हुआ है ।

अत: इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को एस का नाम दज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 30-9-95 समय दस बजे प्रात: स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर आकर पेश करें । अन्यथा एक तरफा कार्यवाई अमल में लाई जावेगी ।

आज दिनांक 12-7-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी देहरा,
तहसील देहरा, जिला कांगड़ा (हि0प्र0) ।

बअदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा हिमाचल प्रदेश

बमुकद्दमा Shri Karam Chand s/o Shri Mehar Chand resident of Gurnwar, P.O. Dada, Tehsil Dehra, District Kangra (H. P.)

बनाम

General public.

दरख्वास्त जेर धारा 13(3) जन्म तिथि एवं मृत्यु पजीकरण अधिनियम, 1969.

नोटिस बनाम जनता ।

श्री Karam Chand ने इस अदालत में दरख्वास्त दी है कि इस के पुत्र, श्री Mehar Chand का जन्म पंचायत रजिस्ट्रर में गलती से दर्ज न करवाया गया है । अब दर्ज किया जावे । इस के पुत्र, की जन्म तिथि 1-4-1981 (Sonia) तथा बच्चे का जन्म गांव में हुआ है ।

अत: इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इस का नाम दज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 25-9-95 समय 10 बजे प्रात: स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर आ कर पेश करें । अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 22-7-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

हस्ताक्षरित/-

मोहर। कार्यकारी दण्डाधिकारी,
देहरा, तहसील देहरा, जिला कांगड़ा ।

व अदालत श्री टी0 आर0 चौहान, तहसीलदार एवं प्रशासनिक दण्डाधिकारी, जयसिंहपुर, जिला कांगड़ा, हिमाचल प्रदेश

मुकद्दमा नं0 80/1995. किस्म मुकद्दमा : जन्म तिथि

उनवान मुकद्दमा :

श्री पुरषोतम चन्द पुत्र श्री कांशी राम निवासी बालकरूपी, तहसील जयसिंहपुर, जिला कांगड़ा (हि0प्र0) ..प्रार्थी ।

बनाम

आम जनता ..प्रत्यार्थी ।

विषय.—प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियन 1969.

नोटिस बनाम आम जनता ।

प्रार्थी श्री पुरषोतम चन्द पुत्र कांशी राम, निवासी मुहाल बालकरूपी तहसील जयसिंहपुर ने प्रार्थना-पत्र दिया है कि उसके लड़के अंशु चौधरी का जन्म दिनांक 1-10-1993 को गांव बालकरूपी में हुआ है परन्तु गलती से पंचायत रिकार्ड में दर्ज न करवाया गया है तथा अब दर्ज करने की प्रार्थना की है ।

अत: इस इतश्हार राजपत्र द्वारा आम जनता व सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि उक्त बच्चे को दर्ज करने में किसी को कोई आपति/उजर हो तो वह दिनांक 18-9-95 को प्रात: 10 बजे हमारे समक्ष अदालत हजा में हाजिर होकर स्वयं या किसी वकील के माध्यम से वजह ब्यान करें अन्यथा एक तरफा कार्यवाही अमल में लाई जायेगी ।

आज दिनांक 3-8-95 को यह इश्तहार मेरे हस्ताक्षर एवं मोहर अदालत से जारी किया गया है ।

मोहर । टी0 आर0 चौहान,
प्रशासनिक दण्डाधिकारी,
तहसील जयसिंहपुर, जिला कांगड़ा।

व अदालत श्री टी0 आर0 चौहान, तहसीलदार एवं प्रशासनिक दण्डाधिकारी, जयसिंहपुर, जिला कांगड़ा, हिमाचल प्रदेश

मुकद्दमा नं0 79/1995 किस्म मुकद्दमा : जन्म तिथि

उनवान मकद्दमा :

श्री प्यार सिंह पुत्र जनक सिंह, निवासी धुपक्यारा, डाकखाना धुपक्यारा तहसील जयसिंहपुर, जिला कांगड़ा, (हि0प्र0) ..प्रार्थी ।

बनाम

आम जनता ..प्रत्यार्थी

विषय : प्रार्थना-पत्र जेर धारा 13 (3) जन्म व मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता ।

पार्थी श्री प्यार सिंह पुत्र श्री जनक सिंह, निवासी धुपखारा डाकखाना धुपखारा, तहसील जयसिंहपुर ने प्रार्थना-पत्र दिया है कि उसके लड़के अनील कुमार का जन्म दिनांक 6-8-1990 को गांव धुपखारा में हुआ है परन्तु गलती से पंचायत रिकार्ड में दर्ज न करवाया गया है तथा अब दर्ज करने की प्रार्थना की है।

अतः इस इश्तहार राजपत्र द्वारा आम जनता व सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि उक्त बच्चे का जन्म दर्ज करने में किसी को कोई आपत्ति हो तो वह दिनांक 8-9-1995 को प्रातः 10 बजे हमारे समक्ष अदालत हजा में हाजिर होकर स्वयं या किसी वकील के माध्यम से बजह बयान करे। अन्यथा एक तरफा कार्यवाही अमल में लाई जायेगी।

आज दिनांक 1-8-95 को यह इश्तहार मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया है ।

मोहर ।

टी० आर० चौहान,
प्रशासनिक दण्डाधिकारी,
जयसिंहपुर, जिला कांगड़ा ।

ब अदालत श्री एम० आर० गुलेरिया, नायब-तहसीलदार एवं कार्यवाही दण्डाधिकारी, तहसील जैसिंहपुर, जिला कांगड़ा, (हि० प्र०)

केस नं०	तारीख दायरा	तारीख पेशी
61/N/1995	31-7-1995	23-9-1995
सुरेश कुमार	बनाम	आम जनता ।

दरख्वास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री सुरेश कुमार सुपुत्र श्री लाभा राम, निवासी महाल लम्बागांव, तहसील जैसिंहपुर, जिला कांगड़ा, हिमाचल प्रदेश ने इस कार्यालय में गुजारिश की है कि उसकी सुपुत्री किरन देवी का जन्म दिनांक 11-7-1991 को हुआ है लेकिन ग्राम पंचायत लम्बागांव में उक्त बच्ची का नाम व जन्म तिथि दर्ज नहीं है।

अतः इस इश्तहार राजपत्र हिमाचल प्रदेश द्वारा आम जनता को सूचित किया जाता है कि अगर इस बारे किसी व्यक्ति का कोई उजर या एतराज हो तो वह दिनांक 25-9-1995 को इस अदालत में प्रातः 10.00 बजे अदालतन या वकालतन हाजिर आकर अपना उजर पेश कर सकता है अन्यथा बाद गुजरने मियाद उक्त बच्ची का नाम व जन्म तिथि पंजीकृत करने के आदेश सम्बन्धित पंचायत लम्बागांव को दे दिये जायेंगे ।

आज दिनांक 31-7-1995 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

एम० आर० गुलेरिया,
नायब-तहसीलदार एवं कार्यकारी दण्डाधिकारी,
तहसील जैसिंहपुर, जिला कांगड़ा ।

ब अदालत श्री एम० आर० गुलेरिया, नायब-तहसीलदार एवं कार्यकारी दण्डाधिकारी, तहसील जैसिंहपुर, जिला कांगड़ा, (हि० प्र०)

केस नं०	तारीख दायरा	तारीख पेशी
62/N/1995	31-7-1995	23-9-1995
मुनीना देवी	बनाम	आम जनता ।

दरख्वास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती मुनीना देवी पत्नी श्री केहर सिंह, निवासी महाल मकरड़, मौजा व तहसील जैसिंहपुर, जिला कांगड़ा, हिमाचल प्रदेश ने इस कार्यालय में गुजारिश की है कि उसके सुपुत्र बरिन्द्र कुमार का जन्म दिनांक 20-12-1990 को हुआ है लेकिन ग्राम पंचायत जैसिंहपुर में उपरोक्त बच्चे का नाम व जन्म तिथि दर्ज नहीं है।

अतः इस इश्तहार राजपत्र हिमाचल प्रदेश द्वारा आम जनता को सूचित किया जाता है कि इस बारे किसी व्यक्ति का कोई उजर या एतराज हो तो वह अपना उजर या एतराज दिनांक 23-9-1995 को प्रातः 10.00 बजे इस अदालत में अदालतन या वकालतन हाजिर आकर पेश कर सकता है। बाद गुजरने मियाद कोई उजर काबिले समायत न होगा और उक्त बच्चे का नाम व जन्म तिथि पंजीकृत करने के आदेश सम्बन्धित पंचायत जैसिंहपुर को दे दिये जायेंगे ।

आज दिनांक 31-7-1995 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

एम० आर० गुलेरिया,
नायब-तहसीलदार एवं कार्यकारी दण्डाधिकारी,
तहसील जैसिंहपुर, जिला कांगड़ा,
हिमाचल प्रदेश ।

ब अदालत श्री एल० एल० इन्दौरिया, नायब-तहसीलदार/कार्यकारी दण्डाधिकारी, खुण्डियां, जिला कांगड़ा, (हि० प्र०)

श्री कुलवन्त सिंह सुपुत्र श्री मंगत राम, वासी गलोटी, मौजा महादेव, तहसील खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश ।

बनाम

आम जनता

विषय :—दरख्वास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री कुलवन्त सिंह सुपुत्र श्री मंगत राम, वासी गलोटी, मौजा महादेव, तहसील खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश ने इस कार्यालय में प्रार्थना-पत्र प्रस्तुत किया है कि उसकी लड़की रानी देवी का जन्म 29-9-1993 को हुआ है परन्तु अज्ञानता के कारण उसका नाम पंचायत अभिलेख में दर्ज न करवाया गया है ।

अतः इस इश्तहार द्वारा आम जनता को सूचित किया जाता है कि अगर रानी देवी सुपुत्री कुलवन्त सिंह का नाम व जन्म तिथि 29-9-1993 बारे किसी व्यक्ति को कोई उजर एवं एतराज हो तो वह दिनांक 27-9-1995 को सुबह 10.00 बजे अदालतन या वकालतन हाजिर कार्यालय होकर अपना उजर पेश कर सकता है अन्यथा दिनांक 27-9-1995 को एकतरफा कार्यवाही अमल में लाई जाकर रानी देवी का नाम व जन्म तिथि 29-9-1993 पंचायत अभिलेख में दर्ज करने के आदेश पारित कर दिये जायेंगे ।

आज दिनांक 7-8-1995 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

एल० एल० इन्दौरिया,
नायब-तहसीलदार/कार्यकारी दण्डाधिकारी,
खुण्डियां, जिला कांगड़ा ।

ब अदालत श्री लक्ष्मण दास ठाकुर, सहायक समाहर्ता, द्वितीय श्रेणी, पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश

श्री मुखिया सुपुत्र श्री दयाला, मुहाल महादेव, मौजा घनेटा, तहसील पालमपुर, जिला कांगड़ा, (हि० प्र०)

बनाम

1. श्री अश्वनी, 2. श्री राजिन्द्र सुपुत्र श्री सीता राम उपनाम सतीश चन्द्र, निवासी महादेव, मौजा घनेटा, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश ।

विषय :—तस्दीक इन्तकाल नं0 466 दर्ज, दिनांक 15-3-1995, जेर धारा 104(3) मुजात ऐक्ट 1972 हिमाचल प्रदेश बाबत भूमि खाता नं0 275 मिन, खतौनी नं0 672 मालम, वाक्य मुहाल महादेव, मौजा घनेटा, तहसील पालमपुर, जगाबन्दी वर्ष 1989-90.

उपरोक्त उत्तरवादीगण को कई बार बजरिया इश्तहारनामा बावत तस्दीक इन्तकाल तलब किया गया लेकिन वह इन्तकाल पुष्टि हेतु जान-बूझ कर उपस्थित न हो रहे हैं, अतः उन्हें इस इश्तहार के माध्यम से सूचित किया जाता है कि वे अमालतन या वकालतन दिनांक 23-9-1995 को प्रातः 10.00 बजे हाजिर अदालत आकर पैरवी करें अन्यथा इन्तकाल यहक सुखिया सुपुत्र दयाला तस्दीक कर दिया जाएगा।

आज दिनांक 11-8-1995 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

लच्छमण दास ठाकुर,
सहायक समाहर्ता, द्वितीय श्रेणी,
पालमपुर, जिला कांगड़ा।

ब अदालत सहायक समाहर्ता, द्वितीय श्रेणी, पालमपुर जिला कांगड़ा, हिमाचल प्रदेश

नाम मुकद्दमा : केहर सिंह बनाम शिव देई आदि।

केस नं0 66/94

किस्म मुकदमा : तकसीम भूमि खाता नं0 3, खतौनी नं0 8 से 11 खसरा नं0 97, 105, 89, 88, 103, 102, 104, 106, किल्ता 8 रकबा तादादी 0-58-13 हैक्टेयर, वाक्या मुहाल बलेहड़, मौजा चचियां, तहसील पालमपुर, जिला कांगड़ा हि0 प्र0)।

बनाम

श्रीमती शिव देई पुत्री अमर सिंह पुत्र बुद्धि सिंह श्रीमती कमला पुत्री साहणी विधवा हरसुख व नीरू पुत्र लुडण, वाक्या मुहाल बलेहड़ मौजा चचियां, तहसील पालमपुर, जिला कांगड़ा, (हि0 प्र0)।

उपरोक्त उनवान मुकदमा में उतरवादियों की तामील समन साधारण ढंग से नहीं हो रही है। अतः बजरिया इश्तहार उन्हें सूचित किया जाता है कि वह दिनांक 25-9-95 से पूर्व इस अदालत में पैरवी मुकद्दमा करें अन्यथा इस तिथि के उपरान्त हस्ब जाब्ता कार्यवाही अमल में लाई जावेगी।

मोहर।

लच्छमण दास ठाकुर,
सहायक समाहर्ता द्वितीय श्रेणी,
पालमपुर जिला कांगड़ा।

ब अदालत सहायक समाहर्ता, द्वितीय श्रेणी, पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश

नाम मुकद्दमा : सन्त राम बनाम तारा चन्द आदि।

केस नं0 73/94

किस्म मुकदमा : तकसीम भूमि खाता नं0 49, खतौनी नं0 98, खसरा नं0 470, 477, 505, 506, 507, 508, किल्ता-6, रकबा तादादी 0-91-38 हैक्टेयर वाक्या मुहाल खिलड़ू, मौजा सिद्धपुर रानी, तहसील पालमपुर जिला कांगड़ा (हि0 प्र0)।

बनाम

श्री तारा चन्द, श्री ध्रुव चन्द, श्रीप्रताप चन्द पुत्रान स्व0 श्री दामोदर, आशा देवी, गायत्री देवी, पुत्रियां स्वर्गीय दामोदर, फुलां देवी, गीता देवी, बिमला देवी, पुत्रियां गंगा राम, शम्भू राम पुत्र गुरमुख व प्रेम चन्द पुत्र लच्छी राम वाक्या मुहाल खिलड़ू, मौजा सिद्धपुर रानी, तहसील पालमपुर, जिला कांगड़ा (हि0 प्र0)।

उपरोक्त उनवान मुकदमा में उतरवादियों की तामील समन साधारण ढंग से नहीं हो रही है, अतः बजरिया इश्तहार उन्हें सूचित किया जाता है कि वह दिनांक 25-9-95 से पूर्व इस अदालत में पैरवी मुकद्दमा करें अन्यथा इस तिथी के उपरान्त हस्ब जाब्ता कार्यवाही अमल में लाई जावेगी।

मोहर।

लच्छमण दास ठाकुर,
सहायक समाहर्ता, द्वितीय श्रेणी,
पालमपुर, जिला कांगड़ा (हि0 प्र0)।

ब अदालत सहायक समाहर्ता, द्वितीय श्रेणी, पालमपुर, जिला कांगड़ा हिमाचल प्रदेश

नाम मुकद्दमा : केहर सिंह बनाम शिव देई आदि।

केस नं0 67/94

किस्म मुकद्दमा : तकसीम भूमि खाता नं0 1, खतौनी नं0 1 से 3 खसरा नं0 92, 95,99, 100, 93, 94, 98, 101, 91 किल्ता 9 रकबा तादादी 0-33-62 हैक्टयर वाक्या मुहाल बलेहड़, मौजा चचियां, तहसील पालमपुर।

बनाम

शिवदेई पुत्री व अमर सिंह पुत्र बुद्धि सिंह एवं श्रीमती कमला पुत्री साहणी विधवा हरसुख, निवासी बलेहड़, मौजा चचियां, तहसील पालमपुर, जिला कांगड़ा (हि0 प्र0)।

उपरोक्त उनवान मुकद्दमा में उत्तरवादियों की तामील समन साधारण ढंग से नहीं हो रही है। अतः बजरिया इश्तहार उन्हें सूचित किया जाता है कि वे दिनांक 25-9-1995 से पूर्व इस अदालत में पैरवी मुकद्दमा करें, अन्यथा इस तिथि के उपरान्त बिना किसी उजर हस्ब जाब्ता कार्यवाही अमल में लाई जावेगी।

मोहर।

लक्षमण दास ठाकुर,
सहायक समाहर्ता, द्वितीय श्रेणी;
पालमपुर, जिला कांगड़ा (हि0 प्र0)।

ब अदालत जनाब श्री जय चन्द चौधरी; सब-रजिस्ट्रार, ज्वाली जिला कांगड़ा

मदन लाल पुत्र मुमित चन्द पुत्र किरपा राम, निवासी कैहरियां, मौजा व तहसील ज्वाली, जिला कांगड़ा, हिमाचल प्रदेश

प्रार्थीगण।

बनाम

आम जनता

दरख्वास्त जेर धारा 40-41 भारतीय रजिस्ट्रेशन ऐक्ट के अन्तर्गत वसीयत दिनांक 20-9-1993 के पंजीकरण बारे।

हर खास व आम को बजरिया इस इश्तहार द्वारा सूचित किया जाता है कि प्रार्थीगण मदन लाल ने इस अदालत में दिनांक 23-8-1994 को दरख्वास्त दी है कि श्रीमती हर देई विधवा नन्द लाल, निवासी कैहरियां ने एक वसीयतनामा प्रार्थी के नाम कि मोक 20-9-1993 को लिखवाया कि उसकी पूर्ण चल-अचल सम्पति उसके मरणोपरान्त वसीयत नामा दिनांक 20-9-1993 के आधार पर प्रार्थी के नाम की जाए जिसकी तारीख पेशी इस अदालत में दिनांक 29-8-1995 को रखी है। यदि इस सम्बन्ध में किसी व्यक्ति को किसी प्रकार की आपत्ति हो तो उपरोक्त तारीख को अमालतन या वकालतन समय 10.00 बजे सुबह इस अदालत में बराये पैरवी हाजर आवें अन्यथा गैर हाजरी में वसीयत नामा पंजीकृत कर दिया जाएगा।

आज दिनांक 4-8-1995 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

जय चन्द चौधरी,
सब-रजिस्ट्रार, ज्वाली,
जिला कांगड़ा।

अदालत जनाब श्री जय चन्द चौधरी, सब-रजिस्ट्रार, ज्वाली जिला कांगड़ा

धूपू देवी विधवा श्री कीडू राम, निवासी स्पेल, तहसील ज्वाली, जिला कांगड़ा, हिमाचल प्रदेश . . प्रार्थी।

बनाम

आम जनता

दरख्वास्त जेर धारा 40-41 भारतीय रजिस्ट्रेशन ऐक्ट के अन्तर्गत वसीयत दिनांक 20-4-1994 के पंजीकरण बारे।

हर खास व आम को वजरिया इस इश्तहार द्वारा सूचित किया जाता है कि प्रार्थी धूपू देवी ने इस अदालत में दिनांक 15-11-94 को दरख्वास्त दी है कि श्री कीडा राम पुत्र मोहरू राम, निवासी स्पेल ने वसीयत नामा प्रार्थी के नाम दिनाक 20-4-1994 को लिखवाया कि उसकी पूर्ण चल-अचल सम्पत्ति उसके मरणोपरान्त वसीयतनामा दिनांक 20-4-1994 के आधार पर प्रार्थी के नाम की जाए जिसकी तारीख पेशी इस अदालत में दिनाक 29-8-1995 को रखी है। यदि इस सम्बन्ध में किसी व्यक्ति को किसी प्रकार की आपत्ति हो तो उपरोक्त तारीख को असालतन व वकालतन सुबह 10 बजे इस अदालत में बराए पैरवी हाजर आवें। अन्यथा गैर हाजरी में वसीयत नामा पंजीकृत कर दिया जाएगा।

आज दिनांक 4-8-1995 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर। जय चन्द चौधरी,
सब-रजिस्ट्रार, ज्वाली,
जिला कांगड़ा।

अदालत श्री सी0 ऐल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील रामपुर बुशहर, जिला शिमला, हिमाचल प्रदेश

श्री रतन दास पुत्र राम, ग्राम वासी वठेड़ा, तहसील रामपुर बुशहर जिला शिमला (हि0 प्र0)।

बनाम

आम जनता

दरख्वास्त जेर धारा 13 (3) जन्म व मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री रतन दास पुत्र राम उपरोक्त ने जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 की धारा 13 (3) के अन्तर्गत दरख्वास्त प्रस्तुत करके प्रार्थना की है कि उसके परिवार में उसके पुत्र राकेश की जन्म तिथि 23-1-1989 पंचायत रिकार्ड मे दर्ज नहीं है। जिसे प्रार्थी अब दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इश्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर व एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा दिनांक 4-9-95 को सुबह 10 बजे इस अदालत में उपस्थित होकर प्रस्तुत करे वरना नगर पंचायत रिकार्ड में नाम दर्ज करने के आदेश जारी कर दिये जायेंगे।

आज दिनांक 7-8-95 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर। सी0 ऐल0 नेगी,
कार्यकारी दण्डाधिकारी,
तहसील रामपुर, जिला शिमला,

न्यायालय श्री डोला राम, सहायक समाहर्ता प्रथम श्रेणी, रोहड़ू जिला शिमला, हिमाचल प्रदेश

उनवान मुकदमा : दरुस्ती इन्द्राज

श्रीमती कृष्णा दासी पत्नी गोपी नन्द, वासी रोहड़ू (दलभाव) .. वादी।

बनाम

अनूप कुमार, जिया लाल, प्रेम सुख, वासी रोहड़ू .. प्रतिवादीगण।

विषय : दरख्वास्त बराय दरुस्ती इन्द्राज खाता खतौनी 47/89, खसरा नं0 561, 559, 558 रकबा तादादी 74-30 वर्ग डैसी मी0 नोटिफाईड ऐरिया गंगटोली।

मुकदमा उनवानवाला में प्रतिवादीगण नम्बर 1, 2, 3 को इस अदालत द्वारा समन जारी किए गए। कई पंजीकृत समन भी भेजे गए, परन्तु तामील समन न हो सकी। अदालत को पूर्ण विश्वास हो चुका है कि प्रतिवादीगण की तामील साधारण तरीका से नहीं हो सकती है।

अतः इस इश्तहार द्वारा प्रतिवादीगण अनूप कुमार, जिया लाल, प्रेम सुख को सूचित किया जाता है कि वह मिति 3-9-1995 को प्रातः 10 बजे असालतन या वकालतन हाजर आकर पैरवी अन्यथा दस्त कायदा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 29-6-1995 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। डोला राम,
सहायक समाहर्ता प्रथम श्रेणी,
रोहड़ू, जिला शिमला

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

—शून्य—

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

—शून्य—

अनुपूरक

—शून्य—

नियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-5 द्वारा मुद्रित तथा प्रकाशित।